

# House Calendar

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Friday, February 02, 2018

31st DAY OF THE ADJOURNED SESSION

House Convenes at 9:30 A.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Favorable with Amendment**

**H. 562**

An act relating to parentage proceedings

**Rep. Grad of Moretown**, for the Committee on Judiciary, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Title 15C is added to read:

TITLE 15C. PARENTAGE PROCEEDINGS

CHAPTER 1. SHORT TITLE; DEFINITIONS; SCOPE; GENERAL PROVISIONS

§ 101. SHORT TITLE

This title may be cited as the Vermont Parentage Act.

§ 102. DEFINITIONS

As used in this title:

(1) “Acknowledged parent” means a person who has established a parent-child relationship under chapter 3 of this title.

(2) “Adjudicated parent” means a person who has been adjudicated by a court of competent jurisdiction to be a parent of a child.

(3) “Alleged genetic parent” means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

(A) a presumed parent;

(B) a person whose parental rights have been terminated or declared not to exist; or

(C) a donor.

(4) “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse and includes:

(A) intrauterine, intracervical, or vaginal insemination;

(B) donation of gametes;

(C) donation of embryos;

(D) in vitro fertilization and transfer of embryos; and

(E) intracytoplasmic sperm injection.

(5) “Birth” includes stillbirth.

(6) “Child” means a person of any age whose parentage may be determined under this title.

(7) “Domestic assault” shall include any offense as set forth in 13 V.S.A. chapter 19, subchapter 6 (domestic assault).

(8) “Donor” means a person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation, whether or not for consideration. This term does not include:

(A) a person who gives birth to a child conceived by assisted reproduction except as otherwise provided in chapter 8 of this title; or

(B) a parent under chapter 7 of this title or an intended parent under chapter 8 of this title.

(9) “Embryo” means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur.

(10) “Gamete” means a sperm, egg, or any part of a sperm or egg.

(11) “Genetic population group” means, for purposes of genetic testing, a recognized group that a person identifies as all or part of the person’s ancestry or that is so identified by other information.

(12) “Gestational carrier” means an adult person who is not an intended parent and who enters into a gestational carrier agreement to bear a child conceived using the gametes of other persons and not the gestational carrier’s own, except that a person who carries a child for a family member using the gestational carrier’s own gametes and who fulfills the requirements of chapter 8 of this title is a gestational carrier.

(13) “Gestational carrier agreement” means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.

(14) “Intended parent” means a person, whether married or unmarried, who manifests the intent to be legally bound as a parent of a child resulting from assisted reproduction or a gestational carrier agreement.

(15) “Marriage” includes civil union and any legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

(16) “Parent” means a person who has established parentage that meets the requirements of this title.

(17) “Parentage” means the legal relationship between a child and a parent as established under this title.

(18) “Presumed parent” means a person who is recognized as the parent of a child under section 401 of this title.

(19) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(20) “Sexual assault” shall include sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e); aggravated sexual assault as provided in 13 V.S.A. § 3253; aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a; lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602; and similar offenses in other jurisdictions.

(21) “Sexual exploitation” shall include sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

(22) “Sign” means, with the intent to authenticate or adopt a record, to:

(A) execute or adopt a tangible symbol; or

(B) attach to or logically associate with the record an electronic symbol, sound, or process.

(23) “Signatory” means a person who signs a record and is bound by its terms.

(24) “Spouse” includes a partner in a civil union or a partner in a legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

#### § 103. SCOPE AND APPLICATION

(a) Scope. This title applies to determination of parentage in this State.

(b) Choice of law. The court shall apply the law of this State to adjudicate parentage.

(c) Effect on parental rights. This title does not create, enlarge, or diminish parental rights and responsibilities under other laws of this State or the equitable powers of the courts, except as provided in this title.

#### § 104. PARENTAGE PROCEEDING

(a) Proceeding authorized. A proceeding to adjudicate the parentage of a child shall be maintained in accordance with this title and with the Vermont Rules for Family Proceedings, except that proceedings for birth orders under sections 708 and 804 of this title shall be maintained in accordance with the Vermont Rules of Probate Procedure.

(b) Actions brought by the Office of Child Support. If the complaint is brought by the Office of Child Support, the complaint shall be accompanied by an affidavit of the parent whose rights have been assigned. In cases where the assignor is not a genetic parent or is a genetic parent who refuses to provide an affidavit, the affidavit may be submitted by the Office of Child Support, but the affidavit alone shall not support a default judgment on the issue of parentage.

(c) Original actions. Original actions to adjudicate parentage may be commenced in the Family Division of the Superior Court, except that proceedings for birth orders under sections 708 and 804 of this title shall be commenced in the Probate Division of the Superior Court.

(d) No right to jury. There shall be no right to a jury trial in an action to determine parentage.

(e) Disclosure of Social Security numbers. A person who is a party to a parentage action shall disclose that person's Social Security number to the court. The Social Security number of a person subject to a parentage adjudication shall be placed in the court records relating to the adjudication. The court shall disclose a person's Social Security number to the Office of Child Support.

#### § 105. STANDING TO MAINTAIN PROCEEDING

Subject to other provisions of this chapter, a proceeding to adjudicate parentage may be maintained by:

(1) the child;

(2) the person who gave birth to the child unless a court has adjudicated that the person is not a parent or the person is a gestational carrier who is not a parent under subdivision 803(1)(A) of this title;

(3) a person whose parentage is to be adjudicated;

(4) a person who is a parent under this title;

(5) the Department for Children and Families, including the Office of Child Support; or

(6) a representative authorized by law to act for a person who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor.

#### § 106. NOTICE OF PROCEEDING

(a) A petitioner under this chapter shall give notice of the proceeding to adjudicate parentage to the following:

(1) the person who gave birth to the child unless a court has adjudicated that the person is not a parent;

(2) a person who is a parent of the child under this chapter;

(3) a presumed, acknowledged, or adjudicated parent of the child;

(4) a person whose parentage of the child is to be adjudicated; and

(5) the Office of Child Support, in cases in which either party is a recipient of public assistance benefits from the Economic Services Division and has assigned the right to child support, or in cases in which either party has requested the services of the Office of Child Support.

(b) A person entitled to notice under subsection (a) of this section and the Office of Child Support, where the Office is involved pursuant to subdivision (a)(5), has a right to intervene in the proceeding.

(c) Lack of notice required by subsection (a) of this section shall not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection (a) from bringing a proceeding under this title.

(d) This section shall not apply to petitions for birth orders under chapters 7 and 8 of this title.

#### § 107. FORM OF NOTICE

Notice shall be by first class mail to the person's last known address.

#### § 108. PERSONAL JURISDICTION

(a) Personal jurisdiction. A person shall not be adjudicated a parent unless the court has personal jurisdiction over the person.

(b) Personal jurisdiction over nonresident. A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident person, or the guardian or conservator of the person, if the conditions prescribed in Title 15B are fulfilled.

(c) Adjudication. Lack of jurisdiction over one person does not preclude

the court from making an adjudication of parentage binding on another person over whom the court has personal jurisdiction.

#### § 109. VENUE

Venue for a proceeding to adjudicate parentage shall be in the county in which:

(1) the child resides or is present or, for purposes of chapter 7 or 8 of this title, is or will be born;

(2) any parent or intended parent resides;

(3) the respondent resides or is present if the child does not reside in this State;

(4) a proceeding for probate or administration of the parent or alleged parent's estate has been commenced; or

(5) a child protection proceeding with respect to the child has been commenced.

#### § 110. JOINDER OF PROCEEDINGS

(a) Joinder permitted. Except as otherwise provided in subsection (b) of this section, a proceeding to adjudicate parentage may be joined with a proceeding for parental rights and responsibilities, parent-child contact, child support, child protection, termination of parental rights, divorce, annulment, legal separation, guardianship, probate or administration of an estate or other appropriate proceeding, or a challenge or rescission of acknowledgment of parentage. Such proceedings shall be in the Family Division of the Superior Court.

(b) Joinder not permitted. A respondent may not join a proceeding described in subsection (a) of this section with a proceeding to adjudicate parentage brought as part of an interstate child support enforcement action under Title 15B.

#### § 111. ORDERS

(a) Interim order for support. In a proceeding under this title, the court may issue an interim order for support of a child in accordance with the child support guidelines under 15 V.S.A. § 654 with respect to a person who is:

(1) a presumed, acknowledged, or adjudicated parent of the child;

(2) petitioning to have parentage adjudicated;

(3) identified as the genetic parent through genetic testing under chapter 6 of this title;

(4) an alleged genetic parent who has declined to submit to genetic



testing;

(5) shown by a preponderance of evidence to be a parent of the child;

(6) the person who gave birth to the child, other than a gestational carrier; or

(7) a parent under this chapter.

(b) Interim order for parental rights and responsibilities. In a proceeding under this title, the court may make an interim order regarding parental rights and responsibilities on a temporary basis.

(c) Final orders. Final orders concerning child support or parental rights and responsibilities shall be governed by Title 15.

#### § 112. ADMISSION OF PARENTAGE AUTHORIZED

(a) Admission of parentage. A respondent in a proceeding to adjudicate parentage may admit parentage of a child when making an appearance or during a hearing in a proceeding involving the child or by filing a pleading to such effect. An admission of parentage pursuant to this section is different from an acknowledgment of parentage as provided in chapter 3 of this title.

(b) Order adjudicating parentage. If the court finds an admission to be consistent with the provisions of this chapter and rejects any objection filed by another party, the court may issue an order adjudicating the child to be the child of the person admitting parentage.

#### § 113. ORDER ON DEFAULT

The court may issue an order adjudicating the parentage of a person who is in default, providing:

(1) the person was served with notice of the proceeding; and

(2) the person is found by the court to be the parent of the child.

#### § 114. ORDER ADJUDICATING PARENTAGE

(a) Issuance of order. In a proceeding under this chapter, the court shall issue a final order adjudicating whether a person alleged or claiming to be a parent is the parent of a child.

(b) Identify child. A final order under subsection (a) of this section shall identify the child by name and date of birth.

(c) Change of name. On request of a party and for good cause shown, the court may order that the name of the child be changed.

(d) Amended birth record. If the final order under subsection (a) of this section is at variance with the child's birth certificate, the Department of

Health shall issue an amended birth certificate.

§ 115. BINDING EFFECT OF DETERMINATION OF PARENTAGE

(a) Determination binding. Except as otherwise provided in subsection (b) of this section, a determination of parentage shall be binding on:

(1) all signatories to an acknowledgment of parentage or denial of parentage as provided in chapter 3 of this title; and

(2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of section 108 of this title.

(b) Adjudication in proceeding to dissolve marriage. In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if:

(1) the court acts under circumstances that satisfy the jurisdictional requirements of section 108 of this title; and

(2) the final order:

(A) expressly identifies a child as a “child of the marriage “ or “issue of the marriage “ or by similar words indicates that the parties are the parents of the child; or

(B) provides for support of the child by the parent or parents.

(c) Determination a defense. Except as otherwise provided in this chapter, a determination of parentage shall be a defense in a subsequent proceeding seeking to adjudicate parentage by a person who was not a party to the earlier proceeding.

(d) Challenge to adjudication.

(1) Challenge by a person who was a party to an adjudication. A party to an adjudication of parentage may challenge the adjudication only by appeal or in a manner otherwise consistent with the Vermont Rules for Family Proceedings.

(2) Challenge by a person who was not a party to an adjudication. A person who has standing under section 105 of this title, but who did not receive notice of the adjudication of parentage under section 106 of this title and was not a party to the adjudication, may challenge the adjudication within two years after the effective date of the adjudication. The court, in its discretion, shall permit the proceeding only if it finds that it is in the best interests of the child. If the court permits the proceeding, the court shall adjudicate parentage under section 206 of this title.

(e) Child not bound. A child is not bound by a determination of parentage

under this chapter unless:

(1) the determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(2) the determination was based on a finding consistent with the results of genetic testing;

(3) the determination of parentage was made under chapter 7 or 8 of this title; or

(4) the child was a party or was represented by an attorney, guardian ad litem, or similar person in the proceeding in which the child's parentage was adjudicated.

#### § 116. FULL FAITH AND CREDIT

A court of this State shall give full faith and credit to a determination of parentage and to an acknowledgment of parentage from another state if the determination is valid and effective in accordance with the law of the other state.

### CHAPTER 2. ESTABLISHMENT OF PARENTAGE

#### § 201. RECOGNIZED PARENTS

A person may establish parentage by any of the following:

(1) Birth. Giving birth to the child, except as otherwise provided in chapter 8 of this title.

(2) Adoption. Adoption of the child pursuant to Title 15A.

(3) Acknowledgment. An effective voluntary acknowledgment of parentage under chapter 3 of this title.

(4) Adjudication. An adjudication based on an admission of parentage under section 112 of this title.

(5) Presumption. An un rebutted presumption of parentage under chapter 4 of this title.

(6) De facto parentage. An adjudication of de facto parentage, under chapter 5 of this title.

(7) Genetic parentage. An adjudication of genetic parentage under chapter 6 of this title.

(8) Assisted reproduction. Consent to assisted reproduction under chapter 7 of this title.

(9) Gestational carrier agreement. Consent to a gestational carrier

agreement by the intended parent or parents under chapter 8 of this title.

§ 202. NONDISCRIMINATION

Every child has the same rights under law as any other child without regard to the marital status or gender of the parents or the circumstances of the birth of the child.

§ 203. CONSEQUENCES OF ESTABLISHMENT OF PARENTAGE

Unless parentage has been terminated by a court order or an exception has been stated explicitly in this title, parentage established under this title applies for all purposes, including the rights and duties of parentage under the law.

§ 204. DETERMINATION OF MATERNITY AND PATERNITY

Provisions of this title relating to determination of paternity may apply to determination of maternity as needed to determine parentage consistent with this title.

§ 205. NO LIMITATION ON CHILD

Nothing in this chapter limits the right of a child to bring an action to adjudicate parentage.

§ 206. ADJUDICATING COMPETING CLAIMS OF PARENTAGE

(a) Competing claims of parentage. Except as otherwise provided in section 616 of this title, in a proceeding to adjudicate competing claims of parentage or challenges to a child's parentage by two or more persons, the court shall adjudicate parentage in the best interests of the child, based on the following factors:

- (1) the age of the child;
- (2) the length of time during which each person assumed the role of parent of the child;
- (3) the nature of the relationship between the child and each person;
- (4) the harm to the child if the relationship between the child and each person is not recognized;
- (5) the basis for each person's claim to parentage of the child; and
- (6) other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

(b) Preservation of parent-child relationship. Consistent with the establishment of parentage under this chapter, a court may determine that a child has more than two parents if the court finds that it is in the best interests of the child to do so. A finding of best interests of the child under this

subsection does not require a finding of unfitness of any parent or person seeking an adjudication of parentage.

### CHAPTER 3. VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

#### § 301. ACKNOWLEDGMENT OF PARENTAGE

(a) The following persons may sign an acknowledgment of parentage to establish parentage of a child:

(1) a person who gave birth to the child;

(2) a person who is the alleged genetic parent of the child;

(3) a person who is an intended parent to the child pursuant to chapter 7 or 8 of this title; and

(4) a presumed parent pursuant to chapter 4 of this title.

(b) The acknowledgment shall be signed by both the person who gave birth to the child and by the person seeking to establish a parent-child relationship and shall be witnessed and signed by at least one other person.

#### § 302. ACKNOWLEDGMENT OF PARENTAGE VOID

An acknowledgment of parentage shall be void if, at the time of signing:

(1) a person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage in a signed record has been filed with the Department of Health; or

(2) a person, other than the person who gave birth, is an acknowledged, admitted, or adjudicated parent, or an intended parent under chapter 7 or 8 of this title.

#### § 303. DENIAL OF PARENTAGE

A person presumed to be a parent or an alleged genetic parent may sign a denial of parentage only in the limited circumstances set forth in this section. A denial of parentage shall be valid only if:

(1) an acknowledgment of parentage by another person has been filed pursuant to this chapter;

(2) the denial is in a record and is witnessed and signed by at least one other person; and

(3) the person executing the denial has not previously:

(A) acknowledged parentage, unless the previous acknowledgment has been rescinded pursuant to section 307 of this title or successfully challenged the acknowledgment pursuant to section 308 of this title; or

(B) been adjudicated to be the parent of the child.

§ 304. CONDITIONS FOR ACKNOWLEDGMENT OR DENIAL OF PARENTAGE

(a) Completed forms for acknowledgment of parentage and denial of parentage shall be filed with the Department of Health.

(b) An acknowledgment of parentage or denial of parentage may be signed before or after the birth of a child.

(c) An acknowledgment of parentage or denial of parentage takes effect on the date of the birth of the child or the filing of the document with the Department of Health, whichever occurs later.

(d) An acknowledgment of parentage or denial of parentage signed by a minor shall be valid provided it is otherwise in compliance with this title.

§ 305. EQUIVALENT TO ADJUDICATION; NO RATIFICATION REQUIRED

(a) Acknowledgment. Except as otherwise provided in sections 307 and 308 of this title, a valid acknowledgment of parentage under section 301 of this title filed with the Department of Health is equivalent to an adjudication of parentage of a child and confers upon the acknowledged parent all of the rights and duties of a parent.

(b) Ratification. Judicial or administrative ratification is neither permitted nor required for an unrescinded or unchallenged acknowledgment of parentage.

(c) Denial. Except as otherwise provided in sections 307 and 308 of this title, a valid denial of parentage under section 303 of this title filed with the Department of Health in conjunction with a valid acknowledgment of parentage under section 301 of this title is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent and discharges the presumed parent or alleged genetic parent from all rights and duties of a parent.

(d) Rescission or challenge. A signatory of an acknowledgment of parentage may rescind or challenge the acknowledgment in accordance with sections 307-309 of this title.

§ 306. NO FILING FEE

The Department of Health shall not charge a fee for filing an acknowledgment of parentage or denial of parentage.

§ 307. TIMING OF RESCISSION

(a) A person may rescind an acknowledgment of parentage or denial of parentage under this chapter by any of the following methods:

(1) Filing a rescission with the Department of Health within 60 days after the effective date of the acknowledgment or denial. The signing of the rescission shall be witnessed and signed by at least one other person.

(2) Commencing a court proceeding within 60 days after:

(A) the effective date of the acknowledgment or denial, as provided in section 304 ; or

(B) the date of the first court hearing in a proceeding in which the person is a party to adjudicate an issue relating to the child, including a proceeding seeking child support, provided there is no acknowledgment or denial prior to such hearing.

(b) If an acknowledgment of parentage is rescinded under this section, any associated denial of parentage becomes invalid, and the Department of Health shall notify the person who gave birth to the child and any person who signed a denial of parentage of the child that the acknowledgment of parentage has been rescinded. Failure to give notice required by this section does not affect the validity of the rescission.

#### § 308. CHALLENGE TO ACKNOWLEDGMENT AFTER EXPIRATION OF PERIOD FOR RESCISSION

(a) Challenge by signatory. After the period for rescission under section 307 of this title has expired, a signatory of an acknowledgment of parentage or denial of parentage may commence a proceeding to challenge the acknowledgment or denial only:

(1) on the basis of fraud, duress, coercion, threat of harm, or material mistake of fact; and

(2) within one year after the acknowledgment or denial is effective in accordance with section 304 of this title.

(b) Challenge by person not a signatory. If an acknowledgment of parentage has been made in accordance with this chapter, a person who is neither the child nor a signatory to the acknowledgment who seeks to challenge the validity of the acknowledgment and adjudicate parentage shall commence a proceeding within two years after the effective date of the acknowledgment unless the person did not know and could not reasonably have known of the person's potential parentage due to a material misrepresentation or concealment, in which case the proceeding shall be commenced within two years after the discovery of the person's potential parentage.

(c) Burden of proof. A person challenging an acknowledgment of parentage or denial of parentage pursuant to this section has the burden of proof by clear and convincing evidence.

(d) Consolidation. A court proceeding in which the validity of an acknowledgment of parentage is challenged shall be consolidated with any other pending court actions regarding the child.

#### § 309. PROCEDURE FOR RESCISSION OR CHALLENGE

(a) Every signatory party. Every signatory to an acknowledgment of parentage and any related denial of parentage shall be made a party to a proceeding under section 307 or 308 of this title to rescind or challenge the acknowledgment or denial.

(b) Submission to personal jurisdiction. For the purpose of rescission of or challenge to an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction of this State by signing the acknowledgment or denial, effective upon the filing of the document with the Department of Health pursuant to section 304 of this title.

(c) Suspension of legal responsibilities. Except for good cause shown, during the pendency of a proceeding to rescind or challenge an acknowledgment of parentage or denial of parentage, the court shall not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support.

(d) Proceeding to rescind or challenge. A proceeding to rescind or challenge an acknowledgment of parentage or denial of parentage shall be conducted as a proceeding to adjudicate parentage pursuant to chapter 1 of this title.

(e) Amendment to birth record. At the conclusion of a proceeding to rescind or challenge an acknowledgment of parentage or denial of parentage, the court shall order the Department of Health to amend the birth record of the child, if appropriate.

#### § 310. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PARENTAGE

(a) The Department of Health shall develop an acknowledgment of parentage form and denial of parentage form for execution of parentage under this chapter.

(b) The acknowledgment of parentage form shall provide notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment and shall state that:



(1) there is no other presumed parent of the child or, if there is another presumed parent, shall state that parent's full name;

(2) there is no other acknowledged parent, adjudicated parent, or person who is an intended parent under chapter 7 or 8 of this title other than the person who gave birth to the child; and

(3) the signatories understand that the acknowledgment is the equivalent of a court determination of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances.

(c) A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the prescribed form.

#### § 311. RELEASE OF INFORMATION

The Department of Health may release information relating to an acknowledgment of parentage under section 301 of this title as provided in 18 V.S.A. § 5002.

#### § 312. ADOPTION OF RULES

The Department of Health may adopt rules to implement this chapter.

### CHAPTER 4. PRESUMED PARENTAGE

#### § 401. PRESUMPTION OF PARENTAGE

(a) Except as otherwise provided in this title, a person is presumed to be a parent of a child if:

(1) the person and the person who gave birth to the child are married to each other and the child is born during the marriage; or

(2) the person and the person who gave birth to the child were married to each other and the child is born not later than 300 days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution; or

(3) the person and the person who gave birth to the child married each other after the birth of the child and the person at any time asserted parentage of the child and the person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(4) the person resided in the same household with the child for the first two years of the life of the child, including periods of temporary absence, and the person and another parent of the child openly held out the child as the person's child.

(b) A presumption of parentage shall be rebuttable and may be overcome and competing claims to parentage resolved only by court order or a valid

denial of parentage pursuant to chapter 3 of this title.

#### § 402. CHALLENGE TO PRESUMED PARENT

(a) Except as provided in subsection (b) of this section, a proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title shall be commenced within two years after the birth of the child.

(b) A proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title may be commenced two years or more after the birth of the child in the following circumstances:

(1) A presumed parent who is not the genetic parent of a child and who could not reasonably have known about the birth of the child may commence a proceeding under this section within two years after learning of the child's birth.

(2) An alleged genetic parent who did not know of the potential genetic parentage of a child and who could not reasonably have known on account of material misrepresentation or concealment may commence a proceeding under this section within two years after discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent of the child, the court may not disestablish a presumed parent.

(3) Regarding a presumption under subdivision 401(a)(4) of this title, another parent of the child may challenge a presumption of parentage if that parent openly held out the child as the presumptive parent's child due to duress, coercion, or threat of harm. Evidence of duress, coercion, or threat of harm may include whether within the prior ten years, the person presumed to be a parent pursuant to subdivision 401(a)(4) of this title has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child or was subject to a final abuse protection order because the person was found to have committed abuse against the child or another parent of the child.

#### § 403. MULTIPLE PRESUMPTIONS

If two or more conflicting presumptions arise under this chapter, the court shall adjudicate parentage pursuant to section 206 of this title.

### CHAPTER 5. DE FACTO PARENTAGE

#### § 501. STANDARD; ADJUDICATION

(a)(1) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the

person demonstrates by clear and convincing evidence that:

(A) the person resided with the child as a regular member of the child's household for a significant period of time;

(B) the person engaged in consistent caretaking of the child;

(C) the person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(D) the person held out the child as the person's child;

(E) the person established a bonded and dependent relationship with the child which is parental in nature;

(F) the person and another parent of the child fostered or supported the bonded and dependent relationship required under subdivision (E) of this subdivision (1); and

(G) continuing the relationship between the person and the child is in the best interests of the child.

(2) A parent of the child may use evidence of duress, coercion, or threat of harm to contest an allegation that the parent fostered or supported a bonded dependent relationship as provided in subdivision (1)(F) of this subsection. Such evidence may include whether within the prior ten years, the person seeking to be adjudicated a de facto parent has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child or was subject to a final abuse protection order because the person was found to have committed abuse against the child or another parent of the child.

(b) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subdivisions (a)(1)(A)-(G) of this section are met by clear and convincing evidence, the court shall adjudicate parentage under section 206 of this title, subject to other applicable limitations in this title.

(c) The adjudication of a person as a de facto parent under this chapter does not disestablish the parentage of any other parent.

#### § 502. STANDING; PETITION

(a) A person seeking to be adjudicated a de facto parent of a child shall file a petition with the Family Division of the Superior Court before the child reaches 18 years of age. Both the person seeking to be adjudicated a de facto parent and the child must be alive at the time of the filing. The petition shall include a verified affidavit alleging facts to support the existence of a de facto

parent relationship with the child. The petition and affidavit shall be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent, or legal guardian may file a pleading and verified affidavit in response to the petition that shall be served on all parties to the proceeding.

(c) The court shall determine on the basis of the pleadings and affidavits whether the person seeking to be adjudicated a de facto parent has presented prima facie evidence of the criteria for de facto parentage as provided in subsection 501(a) of this title and, therefore, has standing to proceed with a parentage action. The court, in its sole discretion, may hold a hearing to determine disputed facts that are necessary and material to the issue of standing.

(d) The court may enter an interim order concerning contact between the child and a person with standing seeking adjudication under this chapter as a de facto parent of the child.

## CHAPTER 6. GENETIC PARENTAGE

### § 601. SCOPE

This chapter governs procedures and requirements of genetic testing and genetic testing results of a person to determine parentage and adjudication of parentage based on genetic testing, whether the person voluntarily submits to testing or is tested pursuant to an order of the court. Genetic testing shall not be used to challenge the parentage of a person who is a parent by operation of law under chapter 7 or 8 of this title or to establish the parentage of a person who is a donor.

### § 602. REQUIREMENTS FOR GENETIC TESTING

Genetic testing shall be of a type reasonably relied upon by scientific and medical experts in the field of genetic testing and performed in a testing laboratory accredited by a national association of blood banks or an accrediting body designated by the Secretary of the U.S. Department of Health and Human Services. For the purposes of this chapter, “genetic testing” shall have the same meaning as provided in 18 V.S.A. § 9331.

### § 603. COURT ORDER FOR TESTING

(a) Order to submit to genetic testing. Except as provided in section 615 of this title or as otherwise provided in this chapter, upon motion the court may order a child and other persons to submit to genetic testing.

(b) Presumption of genetic parentage. Genetic testing of the person who gave birth to a child shall not be ordered to prove that such person is the

genetic parent unless there is a reasonable, good faith basis to dispute genetic parentage.

(c) In utero testing. A court shall not order in utero genetic testing.

(d) Concurrent or sequential testing. If two or more persons are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

#### § 604. GENETIC TESTING RESULTS

(a) A person shall be identified as a genetic parent of a child if the genetic testing of the person complies with this chapter and the results of testing disclose that the individual has at least a 99 percent probability of parentage as determined by the testing laboratory.

(b) Identification of a genetic parent through genetic testing does not establish parentage absent adjudication under this chapter and a court may rely on nongenetic evidence to determine parentage, including parentage by acknowledgment pursuant to chapter 3 of this title or by admission pursuant to section 112 of this title, presumed parentage under chapter 4 of this title, de facto parentage under chapter 5 of this title, and parentage by intended parents under chapter 7 or 8 of this title.

(c) A person identified under subsection (a) of this section as a genetic parent of a child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this chapter that:

(1) excludes the person as a genetic parent of the child; or

(2) identifies a person other than the person who gave birth to the child as a possible genetic parent of the child.

#### § 605. REPORT OF GENETIC TESTING

(a) A report of genetic testing shall be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this chapter is self-authenticating.

(b) A party in possession of results of genetic testing shall provide such results to all other parties to the parentage action upon receipt of the results and not later than 15 days before any hearing at which the results may be admitted into evidence.

#### § 606. ADMISSIBILITY OF RESULTS OF GENETIC TESTING

(a) Production of results; notice. Unless waived by the parties, a party intending to rely on the results of genetic testing shall do all of the following:

(1) make the test results available to the other parties to the parentage

action at least 15 days prior to any hearing at which the results may be admitted into evidence;

(2) give notice to the court and other parties to the proceeding of the intent to use the test results at the hearing; and

(3) give the other parties notice of this statutory section, including the need to object in a timely fashion.

(b) Objection. Any motion objecting to genetic test results shall be made in writing to the court and to the party intending to introduce the evidence at least seven days prior to any hearing at which the results may be introduced into evidence. If no timely objection is made, the written results shall be admissible as evidence without the need for foundation testimony or other proof of authenticity or accuracy.

(c) Results inadmissible; exceptions. If a child has a presumed parent, acknowledged parent, or adjudicated parent, the results of genetic testing shall be admissible to adjudicate parentage only:

(1) with the consent of each person who is a parent of the child under this title, unless the court finds that admission of the testing is in the best interests of the child as provided in subsection 615(b) of this title; or

(2) pursuant to an order of the court under section 603 of this title.

#### § 607. ADDITIONAL GENETIC TESTING

The court shall order additional genetic testing upon the request of a party who contests the result of the initial testing. If the initial genetic testing identified a person as a genetic parent of the child under section 604 of this title, the court shall not order additional testing unless the party provides advance payment for the testing.

#### § 608. CONSEQUENCES OF DECLINING GENETIC TESTING

(a) If a person whose parentage is being determined under this chapter declines to submit to genetic testing ordered by the court, the court for that reason may adjudicate parentage contrary to the position of that person.

(b) Genetic testing of the person who gave birth to a child is not a condition precedent to testing the child and an individual whose parentage is being determined under this chapter. If the person who gave birth is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every person whose genetic parentage is being adjudicated.

#### § 609. ADJUDICATION OF PARENTAGE BASED ON GENETIC TESTING

(a)(1) If genetic testing results pursuant to section 604 of this title exclude a person as the genetic parent of a child, the court shall find that person is not a genetic parent of the child and may not adjudicate the person as the child's parent on the basis of genetic testing.

(2) If genetic testing results pursuant to section 604 of this title identify a person as the genetic parent of a child, the court shall find that person to be the genetic parent and may adjudicate the person as the child's parent, unless otherwise provided by this title.

(3) Subdivisions (1) and (2) of this subsection do not apply if the results of genetic testing are admitted for the purpose of rebutting results of other genetic testing.

(b) If the court finds that genetic testing pursuant to section 604 of this title neither identifies nor excludes a person as the genetic parent of a child, the court shall not dismiss the proceeding. In that event, the results of genetic testing and other evidence are admissible to adjudicate the issue of parentage, including testimony relating to the sexual conduct of the person who gave birth to the child but only if it is alleged to have occurred during a time when conception of the child was probable.

#### § 610. COSTS OF GENETIC TESTING

(a) The costs of initial genetic testing shall be paid:

(1) by the Office of Child Support in a proceeding in which the Office is providing services, if the Office requests such testing;

(2) as agreed by the parties or, if the parties cannot agree, by the person who made the request for genetic testing; or

(3) as ordered by the court.

(b) Notwithstanding subsection (a) of this section, a person who challenges a presumption, acknowledgment, or admission of parentage shall bear the cost for any genetic testing requested by such person.

(c) In cases in which the payment for the costs of initial genetic testing is advanced pursuant to subsection (a) of this section, the Office of Child Support may seek reimbursement from the genetic parent whose parent-child relationship is established.

#### § 611. GENETIC TESTING WHEN SPECIMENS NOT AVAILABLE

(a) If a genetic testing specimen is not available from an alleged genetic parent of a child, for good cause the court may order the following persons to submit specimens for genetic testing:

(1) the parents of the alleged genetic parent;

(2) a sibling of the alleged genetic parent;

(3) another child of the alleged genetic parent and the person who gave birth to that other child; and

(4) another relative of the alleged genetic parent necessary to complete genetic testing.

(b) Prior to issuing an order under subsection (a) of this section, the court shall make a written finding that the need for genetic testing outweighs the legitimate interests of the person from whom a genetic sample is requested.

#### § 612. DECEASED PERSON

For good cause shown, the court may order genetic testing of a deceased person.

#### § 613. IDENTICAL SIBLING

(a) The court may order genetic testing of a person who is believed to have an identical sibling if evidence suggests the sibling may be the genetic parent of the child.

(b) If more than one sibling is identified as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

#### § 614. CONFIDENTIALITY OF GENETIC TESTING

(a) A report of genetic testing for parentage is exempt from public inspection and copying under the Public Records Act and shall be kept confidential and released only as provided in this title.

(b) A person shall not intentionally release a report of genetic testing or the genetic material of another person for a purpose not relevant to a parentage proceeding without a court order or the written permission of the person who furnished the genetic material. A person who violates this section shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

#### § 615. AUTHORITY TO DENY REQUESTED ORDER FOR GENETIC TESTING OR ADMISSION OF TEST RESULTS

(a) Grounds for denial. In a proceeding to adjudicate parentage, the court may deny a motion seeking an order for genetic testing or deny admissibility of the test results at trial if it determines that:

(1) the conduct of the parties estops a party from denying parentage; or

(2) it would be an inequitable interference with the relationship between the child and an acknowledged, adjudicated, de facto, presumed, or intended parent, or would otherwise be contrary to the best interests of the child as



provided in subsection (b) of this section.

(b) Factors. In determining whether to deny a motion seeking an order for genetic testing under this title or a request for admission of such test results at trial, the court shall consider the best interests of the child, including the following factors, if relevant:

(1) the length of time between the proceeding to adjudicate parentage and the time that a parent was placed on notice that genetic parentage is at issue;

(2) the length of time during which the parent has assumed a parental role for the child;

(3) the facts surrounding discovery that genetic parentage is at issue;

(4) the nature of the relationship between the child and the parent;

(5) the age of the child;

(6) any adverse effect on the child that may result if parentage is successfully disproved;

(7) the nature of the relationship between the child and any alleged parent;

(8) the extent to which the passage of time reduces the chances of establishing the parentage of another person and a child support obligation in favor of the child; and

(9) any additional factors that may affect the equities arising from the disruption of the relationship between the child and the parent or the chance of an adverse effect on the child.

(c) Order. In cases involving an acknowledged or presumed parent, if the court denies a motion seeking an order for genetic testing, the court shall issue an order adjudicating the acknowledged or presumed parent to be the parent of the child.

#### § 616. PRECLUDING ESTABLISHMENT OF PARENTAGE BY PERPETRATOR OF SEXUAL ASSAULT

(a) In a proceeding in which a person is alleged to have committed a sexual assault that resulted in the birth of a child, the person giving birth may seek to preclude the establishment of the other person's parentage.

(b) This section shall not apply if the person alleged to have committed a sexual assault has previously been adjudicated to be a parent of the child.

(c) In a parentage proceeding, the person giving birth may file a pleading making an allegation under subsection (a) of this section at any time.

(d) The standard of proof that a child was conceived as a result of the person sexually assaulting the person who gave birth to the child may be proven by the petitioner by either of the following:

(1) clear and convincing evidence that the person was convicted of a sexual assault against the person giving birth and that the child was conceived as a result of the sexual assault; or

(2) clear and convincing evidence that the person sexually assaulted or sexually exploited the person who gave birth to the child and that the child was conceived as a result of the sexual assault or sexual exploitation, regardless of whether criminal charges were brought against the person.

(e) If the court finds that the burden of proof under subsection (d) of this section is met, the court shall enter an order:

(1) adjudicating that the person alleged to have committed a sexual assault is not a parent of the child;

(2) requiring that the Department of Health amend the birth certificate to delete the name of the person precluded as a parent; and

(3) requiring that the person alleged to have committed a sexual assault to pay child support or birth-related costs, or both, unless the person giving birth requests otherwise.

## CHAPTER 7. PARENTAGE BY ASSISTED REPRODUCTION

### § 701. SCOPE

This chapter does not apply to the birth of a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement under chapter 8 of this title.

### § 702. PARENTAL STATUS OF DONOR

(a) A donor is not a parent of a child conceived through assisted reproduction.

(b) Notwithstanding subsection (a) of this section:

(1) a person who provides a gamete or gametes or an embryo or embryos to be used for assisted reproduction for the person's spouse is a parent of the resulting child; and

(2) a person who provides a gamete or an embryo for assisted reproduction is a parent of the resulting child if the person has a written agreement or agreements with the person giving birth that the person providing the gamete or the embryo is intended to be a parent.

### § 703. PARENTAGE OF CHILD OF ASSISTED REPRODUCTION

A person who consents under section 704 of this title to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

§ 704. CONSENT TO ASSISTED REPRODUCTION

(a)(1) A person who intends to be a parent of a child born through assisted reproduction shall consent to such in a signed record that is executed by each intended parent and provides that the signatories consent to the use of assisted reproduction to conceive a child with the intent to parent the child.

(2) Consent pursuant to subdivision (1) of this subsection, executed via a form made available by the Department of Health, shall be accepted and relied upon for purposes of issuing a birth record.

(b) In the absence of a record pursuant to subsection (a) of this section, a court may adjudicate a person as the parent of a child if it finds by a preponderance of the evidence that:

(1) prior to conception or birth of the child, the parties entered into an agreement that they both intended to be the parents of the child; or

(2) the person resided with the child after birth and undertook to develop a parental relationship with the child.

§ 705. LIMITATION ON SPOUSE'S DISPUTE OF PARENTAGE

(a) Except as otherwise provided in subsection (b) of this section, a spouse may commence a proceeding to challenge his or her parentage of a child born by assisted reproduction during the marriage within two years after the birth of the child if the court finds that the spouse did not consent to the assisted reproduction before, on, or after the birth of the child or that the spouse withdrew consent pursuant to section 706 of this title.

(b) A spouse or the person who gave birth to the child may commence a proceeding to challenge the spouse's parentage of a child born by assisted reproduction at any time if the court determines:

(1) the spouse neither provided a gamete for, nor consented to, the assisted reproduction;

(2) the spouse and the person who gave birth to the child have not cohabited since the probable time of assisted reproduction; and

(3) the spouse never openly held out the child as the spouse's child.

(c) This section shall apply to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

§ 706. EFFECT OF DISSOLUTION OF MARRIAGE OR WITHDRAWAL

## OF CONSENT

(a) If a marriage is dissolved before transfer or implantation of gametes or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a signed record with notice to the other spouse and the person giving birth that, if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.

(b) Consent of a person to assisted reproduction pursuant to section 704 of this title may be withdrawn by that person in a signed record with notice to the person giving birth and any other intended parent before transfer or implantation of gametes or embryos. A person who withdraws consent under this subsection is not a parent of the resulting child.

## § 707. PARENTAL STATUS OF DECEASED PERSON

(a) If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the person's death does not preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under this chapter.

(b)(1) If a person who consented in a record to assisted reproduction by the person giving birth to the child dies before transfer or implantation of gametes or embryos, the deceased person is not a parent of a child conceived by assisted reproduction unless:

(A) the deceased person consented in a record that if assisted reproduction were to occur after the death of the deceased person, the deceased person would be a parent of the child; or

(B) the deceased person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by a preponderance of the evidence.

(2) A person is a parent of a child conceived by assisted reproduction under subdivision (1) of this subsection only if:

(A) the embryo is in utero not later than 36 months after the person's death; or

(B) the child is born not later than 45 months after the person's death.

## § 708. BIRTH ORDERS

(a) A party consenting to assisted reproduction, a person who is a parent pursuant to sections 702-704 of this title, an intended parent or parents, or the person giving birth may commence a proceeding in the Probate Division of the

Superior Court to obtain an order:

(1) declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child;

(2) sealing the record from the public to protect the privacy of the child and the parties;

(3) designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child; or

(4) for any relief that the court determines necessary and proper.

(b) A proceeding under this section may be commenced before or after the birth of the child.

(c) Neither the State nor the Department of Health is a necessary party to a proceeding under this section.

(d) The intended parent or parents and any resulting child shall have access to the court records relating to the proceeding at any time.

#### § 709. LABORATORY ERROR

If due to a laboratory error the child is not genetically related to either of the intended parents, the intended parents are the parents of the child unless otherwise determined by the court.

### CHAPTER 8. PARENTAGE BY GESTATIONAL CARRIER AGREEMENT

#### § 801. ELIGIBILITY TO ENTER GESTATIONAL CARRIER

##### AGREEMENT

(a) In order to execute an agreement to act as a gestational carrier, a person shall:

(1) be at least 21 years of age;

(2) have completed a medical evaluation that includes a mental health consultation;

(3) have had independent legal representation of the person's own choosing and paid for by the intended parent or parents regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement; and

(4) not have contributed gametes that will ultimately result in an embryo that the gestational carrier will attempt to carry to term, unless the gestational

carrier is entering into an agreement with a family member.

(b) Prior to executing a gestational carrier agreement, a person or persons intending to become a parent or parents, whether genetically related to the child or not, shall:

(1) be at least 21 years of age;

(2) have completed a medical evaluation and mental health consultation; and

(3) have retained independent legal representation regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

#### § 802. GESTATIONAL CARRIER AGREEMENT

(a) Written agreement. A prospective gestational carrier, that person's spouse, and the intended parent or parents may enter into a written agreement that:

(1) the prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(2) the prospective gestational carrier and that person's spouse have no rights and duties as the parents of a child conceived through assisted reproduction; and

(3) the intended parent or parents will be the parents of any resulting child.

(b) Enforceability. A gestational carrier agreement is enforceable only if it meets the following requirements:

(1) The agreement shall be in writing and signed by all parties.

(2) The agreement shall not require more than a one-year term to achieve pregnancy.

(3) At least one of the parties shall be a resident of this State.

(4) The agreement shall be executed before the commencement of any medical procedures other than the medical evaluations required by section 801 of this title and, in every instance, before transfer of embryos.

(5) The gestational carrier and the intended parent or parents shall meet the eligibility requirements of section 801 of this title.

(6) If any party is married, the party's spouse shall be a party to the agreement.

(7) The gestational carrier and the intended parent or parents shall be

represented by independent legal counsel in all matters concerning the agreement and each counsel shall affirmatively so state in a written declaration attached to the agreement. The declarations shall state that the agreement meets the requirements of this title and shall be solely relied upon by health care providers and staff at the time of birth and by the Department of Health for birth registration and certification purposes.

(8) The parties to the agreement shall sign a written acknowledgment of having received a copy of the agreement.

(9) The signing of the agreement shall be witnessed and signed by at least one other person.

(10) The agreement shall expressly provide that the gestational carrier:

(A) shall undergo assisted reproduction and attempt to carry and give birth to any resulting child;

(B) has no claim to parentage of all resulting children to the intended parent or parents immediately upon the birth of the child or children regardless of whether a court order has been issued at the time of birth; and

(C) shall acknowledge the exclusive parentage of the intended parent or parents of all resulting children.

(11) If the gestational carrier is married, the carrier's spouse:

(A) shall acknowledge and agree to abide by the obligations imposed on the gestational carrier by the terms of the gestational carrier agreement;

(B) has no claim to parentage of any resulting children to the intended parent or parents immediately upon the birth of the children regardless of whether a court order has been issued at the time of birth; and

(C) shall acknowledge the exclusive parentage of the intended parent or parents of all resulting children.

(12) The gestational carrier shall have the right to use the services of a health care provider or providers of the gestational carrier's choosing to provide care during the pregnancy.

(13) The intended parent or parents shall:

(A) be the exclusive parent or parents and accept parental rights and responsibilities of all resulting children immediately upon birth regardless of the number, gender, or mental or physical condition of the child or children; and

(B) assume responsibility for the financial support of all resulting children immediately upon the birth of the children.

(c) Medical evaluations. If requested by a party or the court, a party shall provide records to the court and other parties related to the medical evaluations conducted pursuant to section 801 of this title.

(d) Reasonable consideration and expenses. Except as provided in section 809 of this title, a gestational carrier agreement may include provisions for payment of consideration and reasonable expenses to a prospective gestational carrier, provided they are negotiated in good faith between the parties.

(e) Decision of gestational carrier. A gestational agreement shall permit the gestational carrier to make all health and welfare decisions regarding the gestational carrier's health and pregnancy, and shall not enlarge or diminish the gestational carrier's right to terminate the pregnancy.

#### § 803. PARENTAGE; PARENTAL RIGHTS AND RESPONSIBILITIES

(a)(1) If a gestational carrier agreement satisfies the requirements of this chapter, the intended parent or parents are the parent or parents of the resulting child immediately upon the birth of the child, and the resulting child is considered the child of the intended parent or parents immediately upon the birth of the child. Neither the gestational carrier nor the gestational carrier's spouse, if any, is the parent of the resulting child.

(2) A person who is determined to be a parent of the resulting child is obligated to support the child. The breach of the gestational carrier agreement by the intended parent or parents does not relieve the intended parent or parents of the obligation to support the resulting child.

(3) Notwithstanding if genetic testing indicates a genetic relationship between the gestational carrier and the child, parentage shall be determined by the Family Division of the Superior Court.

(b) Parental rights and responsibilities shall vest exclusively in the intended parent or parents immediately upon the birth of the resulting child.

(c) If due to a laboratory error, the resulting child is not genetically related to either the intended parent or parents or any donor who donated to the intended parent or parents, the intended parent or parents are considered the parent or parents of the child.

#### § 804. BIRTH ORDERS

(a) Before or after the birth of a resulting child, a party to a gestational carrier agreement may commence a proceeding in the Probate Division of the Superior Court to obtain an order doing any of the following:

(1) Declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately



upon the birth of the child.

(2) Designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child. The Department of Health may charge a reasonable fee for the issuance of a birth certificate.

(3) Sealing the record from the public to protect the privacy of the child and the parties.

(4) Providing any relief the court determines necessary and proper.

(b) Neither the State nor the Department of Health is a necessary party to a proceeding under subsection (a) of this section.

(c) The intended parent or parents and any resulting child shall have access to their court records at any time.

#### § 805. EXCLUSIVE, CONTINUING JURISDICTION

Subject to the jurisdictional standards of 15 V.S.A. § 1071, the court conducting a proceeding under this chapter has exclusive, continuing jurisdiction of all matters arising out of the gestational carrier agreement until a child born to the gestational carrier during the period governed by the agreement attains the age of 180 days.

#### § 806. TERMINATION OF GESTATIONAL CARRIER AGREEMENT

(a) A party to a gestational carrier agreement may withdraw consent to any medical procedure and may terminate the gestational carrier agreement at any time prior to any embryo transfer or implantation by giving written notice of termination to all other parties.

(b) Upon termination of the gestational carrier agreement under subsection (a) of this section, the parties are released from all obligations recited in the agreement except that the intended parent or parents remain responsible for all expenses that are reimbursable under the agreement incurred by the gestational carrier through the date of termination. The gestational carrier is entitled to keep all payments received and obtain all payments to which the gestational carrier is entitled. Neither a prospective gestational carrier nor the gestational carrier's spouse, if any, is liable to the intended parent or parents for terminating a gestational carrier agreement.

#### § 807. GESTATIONAL CARRIER AGREEMENT; EFFECT OF SUBSEQUENT CHANGE OF MARITAL STATUS

Unless a gestational carrier agreement expressly provides otherwise:

(1) the marriage of a gestational carrier or of an intended parent after

the agreement has been signed by all parties does not affect the validity of the agreement, the gestational carrier's spouse's consent or intended parent's spouse's consent to the agreement is not required, and the gestational carrier's spouse or intended parent's spouse is not a presumed parent of a child conceived by assisted reproduction under the agreement; and

(2) the divorce, dissolution, annulment, or legal separation of the gestational carrier or of an intended parent after the agreement has been signed by all parties does not affect the validity of the agreement.

#### § 808. EFFECT OF NONCOMPLIANCE; STANDARD OF REVIEW;

##### REMEDIES

(a) Not enforceable. A gestational carrier agreement that does not meet the requirements of this chapter is not enforceable.

(b) Standard of review. In the event of noncompliance with the requirements of this chapter or with a gestational carrier agreement, the Family Division of the Superior Court shall determine the respective rights and obligations of the parties to the gestational carrier agreement, including evidence of the intent of the parties at the time of execution.

(c) Remedies. Except as expressly provided in a gestational carrier agreement and in subsection (d) of this section, in the event of a breach of the gestational carrier agreement by the gestational carrier or the intended parent or parents, the gestational carrier or the intended parent or parents are entitled to all remedies available at law or in equity.

(d) Genetic testing. If a person alleges that the parentage of a child born to a gestational carrier is not the result of assisted reproduction, and this question is relevant to the determination of parentage, the court may order genetic testing.

(e) Specific performance. Specific performance is not an available remedy for a breach by the gestational carrier of any term in a gestational carrier agreement that requires the gestational carrier to be impregnated or to terminate a pregnancy. Specific performance is an available remedy for a breach by the gestational carrier of any term that prevents the intended parent or parents from exercising the full rights of parentage immediately upon the birth of the child.

#### § 809. LIABILITY FOR PAYMENT OF GESTATIONAL CARRIER

##### HEALTH CARE COSTS

(a) The intended parent or parents are liable for the health care costs of the gestational carrier that are not paid by insurance. As used in this section, "health care costs" means the expenses of all health care provided for assisted

reproduction, prenatal care, labor, and delivery.

(b) A gestational carrier agreement shall explicitly detail how the health care costs of the gestational carrier are paid. The breach of a gestational carrier agreement by a party to the agreement does not relieve the intended parent or parents of the liability for health care costs imposed by subsection (a) of this section.

(c) This section is not intended to supplant any health insurance coverage that is otherwise available to the gestational carrier or an intended parent for the coverage of health care costs. This section does not change the health insurance coverage of the gestational carrier or the responsibility of the insurance company to pay benefits under a policy that covers a gestational carrier.

Sec. 2. REPEAL

15 V.S.A. chapter 5, subchapter 3A (parentage proceedings) is repealed.

Sec. 3. TRANSITIONAL PROVISION

This title applies to a pending proceeding to adjudicate parentage commenced before the effective date of this act for an issue on which a judgment has not been rendered.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

**( Committee Vote: 11-0-0)**

**Senate Proposal of Amendment**

**H. 633**

An act relating to fiscal year 2018 budget adjustments

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2017 Acts and Resolves No. 85, Sec. B.137 is amended to read:

Sec. B.137 Homeowner rebate

Grants	<u>16,600,000</u>	<u>15,840,000</u>
Total	<u>16,600,000</u>	<u>15,840,000</u>
Source of funds		
General fund	<u>16,600,000</u>	<u>15,840,000</u>
Total	<u>16,600,000</u>	<u>15,840,000</u>

Sec. 2. 2017 Acts and Resolves No. 85, Sec. B.138 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>10,500,000</u>	<u>10,204,262</u>
Total	<u>10,500,000</u>	<u>10,204,262</u>
Source of funds		
General fund	<u>3,150,000</u>	<u>2,520,000</u>
Education fund	<u>7,350,000</u>	<u>7,684,262</u>
Total	<u>10,500,000</u>	<u>10,204,262</u>

Sec. 2a. 2017 Acts and Resolves No. 85, Sec.B. 139 is amended to read:

Sec. B.139 Tax department - reappraisal and listing payments

Grants	<del><u>3,460,000</u></del>	<u>3,550,000</u>
Total	<del><u>3,460,000</u></del>	<u>3,550,000</u>
Source of funds		
Education fund	<del><u>3,460,000</u></del>	<u>3,550,000</u>
Total	<del><u>3,460,000</u></del>	<u>3,550,000</u>

Sec. 3. 2017 Acts and Resolves No. 85, Sec. B.140 is amended to read:

Sec. B.140 Municipal current use

Grants	<del><u>15,283,643</u></del>	<u>15,259,309</u>
Total	<del><u>15,283,643</u></del>	<u>15,259,309</u>
Source of funds		
General fund	<del><u>15,283,643</u></del>	<u>15,259,309</u>
Total	<del><u>15,283,643</u></del>	<u>15,259,309</u>

Sec. 4. 2017 Acts and Resolves No. 85, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	<del>80,004,752</del>	78,590,418
Transportation fund	3,886,230	3,886,230
Special funds	12,585,605	12,585,605
Education fund	<del>10,810,000</del>	11,234,262
Federal funds	820,514	820,514
Internal service funds	92,497,479	92,497,479
Interdepartmental transfers	7,116,203	7,116,203
Enterprise funds	3,460,441	3,460,441
Pension trust funds	10,147,031	10,147,031
Private purpose trust funds	<u>1,125,701</u>	<u>1,125,701</u>
Total	<del>222,453,956</del>	221,463,884

Sec. 5. 2017 Acts and Resolves No. 85, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	52,941,680	52,941,680
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Operating expenses	9,656,601	9,656,601
Grants	<u>759,635</u>	<u>759,635</u>
Total	63,357,916	63,357,916
Source of funds		
General fund	35,799,847	35,799,847
Transportation fund	20,250,000	20,250,000
Special funds	<u>3,190,202</u>	2,905,072
Federal funds	<u>2,334,001</u>	2,619,131
Interdepartmental transfers	<u>1,783,866</u>	<u>1,783,866</u>
Total	63,357,916	63,357,916

Sec. 6. 2017 Acts and Resolves No. 85, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

Source of funds		
General fund	147,547,660	147,547,660
Transportation fund	20,250,000	20,250,000
Special funds	<u>83,999,327</u>	83,714,197
Tobacco fund	561,843	561,843
Federal funds	<u>53,396,381</u>	53,681,511
ARRA funds	1,120,000	1,120,000
Interdepartmental transfers	13,253,305	13,253,305
Enterprise funds	<u>8,569,271</u>	<u>8,569,271</u>
Total	328,697,787	328,697,787

Sec. 7. 2017 Acts and Resolves No. 85, Sec. B.300 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	<u>19,186,112</u>	18,885,463
Operating expenses	5,402,146	5,446,646
Grants	<u>7,444,843</u>	<u>7,394,843</u>
Total	<u>32,033,101</u>	31,726,952
Source of funds		
General fund	<u>10,014,889</u>	9,686,490
Special funds	91,017	91,017
Federal funds	<u>19,149,640</u>	19,171,890
Global Commitment fund	453,000	453,000
Interdepartmental transfers	<u>2,324,555</u>	<u>2,324,555</u>
Total	<u>32,033,101</u>	31,726,952

Sec. 8. 2017 Acts and Resolves No. 85, Sec. B.301 is amended to read:

Sec. B.301 Secretary's office - global commitment

Operating expenses	846,057	846,057
Grants	<u>1,582,497,210</u>	<u>1,551,543,525</u>

Total	1,583,343,267	1,552,389,582
Source of funds		
General fund	265,834,181	265,536,825
Special funds	29,496,422	32,884,822
Tobacco fund	21,269,352	20,969,651
State health care resources fund	293,176,780	288,150,091
Federal funds	955,526,532	928,015,911
Interdepartmental transfers	18,040,000	16,832,282
Total	1,583,343,267	1,552,389,582

Sec. 9. 2017 Acts and Resolves No. 85, Sec. B.306 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	177,240,484	153,780,352
Operating expenses	5,542,033	5,539,183
Grants	7,264,742	5,786,953
Total	190,047,259	165,106,488
Source of funds		
General fund	31,518,780	29,457,707
Special funds	3,577,938	3,577,938
Federal funds	139,552,196	116,793,972
Global Commitment fund	7,915,736	7,915,736
Interdepartmental transfers	7,482,609	7,361,135
Total	190,047,259	165,106,488

Sec. 10. 2017 Acts and Resolves No. 85, Sec. B.307 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program – global commitment

Grants	752,459,668	719,641,059
Total	752,459,668	719,641,059
Source of funds		
Global Commitment fund	752,459,668	719,641,059
Total	752,459,668	719,641,059

Sec. 11. 2017 Acts and Resolves No. 85, Sec. B.308 is amended to read:

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	196,483,201	197,420,739
Total	196,483,201	197,420,739
Source of funds		
General fund	753,720	512,723
Federal funds	896,280	896,280
Global Commitment fund	194,833,201	196,011,736

Total	<del>196,483,201</del>	197,420,739
Sec. 12. 2017 Acts and Resolves No. 85, Sec. B.309 is amended to read:		
Sec. B.309 Department of Vermont health access - Medicaid program - state only		
Grants	<u>50,175,082</u>	48,052,430
Total	<u>50,175,082</u>	48,052,430
Source of funds		
General fund	40,507,054	38,794,096
Global Commitment fund	<u>9,668,028</u>	<u>9,258,334</u>
Total	<u>50,175,082</u>	48,052,430
Sec. 13. 2017 Acts and Resolves No. 85, Sec. B.310 is amended to read:		
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched		
Grants	<u>37,213,898</u>	41,163,801
Total	<u>37,213,898</u>	41,163,801
Source of funds		
General fund	13,685,694	13,594,534
Federal funds	<u>23,528,204</u>	<u>27,569,267</u>
Total	<u>37,213,898</u>	41,163,801
Sec. 14. 2017 Acts and Resolves No. 85, Sec. B.312 is amended to read:		
Sec. B.312 Health - public health		
Personal services	<del>41,822,394</del>	42,197,394
Operating expenses	7,579,809	7,579,809
Grants	<u>36,106,485</u>	<u>36,106,485</u>
Total	<u>85,508,688</u>	85,883,688
Source of funds		
General fund	<u>8,567,428</u>	8,942,428
Special funds	17,443,570	17,443,570
Tobacco fund	1,088,918	1,088,918
Federal funds	44,857,697	44,857,697
Global Commitment fund	12,551,629	12,551,629
Interdepartmental transfers	974,446	974,446
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>85,508,688</u>	85,883,688
Sec. 15. 2017 Acts and Resolves No. 85, Sec. B.314 is amended to read:		
Sec. B.314 Mental health - mental health		
Personal services	<del>29,838,587</del>	29,871,025

Operating expenses	3,666,056	3,666,056
Grants	<u>198,405,282</u>	<u>203,047,053</u>
Total	<u>231,909,925</u>	<u>236,584,134</u>
Source of funds		
General fund	4,864,021	5,006,402
Special funds	434,904	434,904
Federal funds	<u>6,691,092</u>	8,187,653
Global Commitment fund	219,899,908	222,935,175
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total	<u>231,909,925</u>	<u>236,584,134</u>

Sec. 16. 2017 Acts and Resolves No. 85, Sec. B.316 is amended to read:

Sec. B.316 Department for children and families - administration & support services

Personal services	41,307,378	38,582,933
Operating expenses	<u>10,464,802</u>	11,332,783
Grants	<u>3,678,688</u>	<u>3,939,795</u>
Total	<u>55,450,868</u>	<u>53,855,511</u>
Source of funds		
General fund	30,639,729	26,602,397
Special funds	655,548	1,173,921
Federal funds	<u>23,274,906</u>	23,363,358
Global Commitment fund	664,660	2,499,810
Interdepartmental transfers	<u>216,025</u>	<u>216,025</u>
Total	<u>55,450,868</u>	<u>53,855,511</u>

Sec. 17. 2017 Acts and Resolves No. 85, Sec. B.317 is amended to read:

Sec. B.317 Department for children and families - family services

Personal services	31,887,814	31,887,814
Operating expenses	4,723,500	4,718,171
Grants	<u>75,838,377</u>	<u>75,196,379</u>
Total	<u>112,449,691</u>	<u>111,802,364</u>
Source of funds		
General fund	33,280,421	33,523,226
Special funds	1,691,637	966,637
Federal funds	<u>26,151,771</u>	27,106,533
Global Commitment fund	51,191,608	50,071,714
Interdepartmental transfers	<u>134,254</u>	<u>134,254</u>
Total	<u>112,449,691</u>	<u>111,802,364</u>

Sec. 18. 2017 Acts and Resolves No. 85, Sec. B.318 is amended to read:

Sec. B.318 Department for children and families - child development



Personal services	6,405,300	6,405,300
Operating expenses	802,146	798,440
Grants	<u>76,955,662</u>	<u>75,140,508</u>
Total	84,163,108	82,344,248
Source of funds		
General fund	34,716,782	32,901,628
Special funds	1,820,000	1,820,000
Federal funds	36,142,431	36,138,725
Global Commitment fund	<u>11,483,895</u>	<u>11,483,895</u>
Total	84,163,108	82,344,248

Sec. 19. 2017 Acts and Resolves No. 85, Sec. B.319 is amended to read:

Sec. B.319 Department for children and families - office of child support

Personal services	10,242,836	10,242,836
Operating expenses	<u>3,632,098</u>	<u>3,618,050</u>
Total	13,874,934	13,860,886
Source of funds		
General fund	3,478,675	3,735,463
Special funds	455,719	455,719
Federal funds	9,552,940	9,282,104
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	13,874,934	13,860,886

Sec. 20. 2017 Acts and Resolves No. 85, Sec. B.321 is amended to read:

Sec. B.321 Department for children and families - general assistance

Grants	<u>6,927,360</u>	<u>7,398,360</u>
Total	6,927,360	7,398,360
Source of funds		
General fund	5,530,025	7,001,025
Federal funds	1,111,320	111,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	6,927,360	7,398,360

Sec. 21. 2017 Acts and Resolves No. 85, Sec. B.323 is amended to read:

Sec. B.323 Department for children and families - reach up

Operating expenses	95,202	95,202
Grants	<u>33,735,219</u>	<u>33,947,280</u>
Total	33,830,421	34,042,482
Source of funds		
General fund	6,717,098	8,002,590
Special funds	21,806,288	21,016,054
Federal funds	2,674,594	2,342,220

Global Commitment fund	<u>2,632,441</u>	<u>2,681,618</u>
Total	<u>33,830,421</u>	<u>34,042,482</u>

Sec. 22. 2017 Acts and Resolves No. 85, Sec. B.325 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	452,430	452,430
Operating expenses	33,444	33,444
Grants	<u>9,673,747</u>	<u>9,438,546</u>
Total	<u>10,159,621</u>	<u>9,924,420</u>
Source of funds		
General fund	4,483,212	4,685,839
Special funds	57,990	57,990
Federal funds	4,350,903	4,350,903
Global Commitment fund	<u>1,267,516</u>	<u>829,688</u>
Total	<u>10,159,621</u>	<u>9,924,420</u>

Sec. 23. 2017 Acts and Resolves No. 85, Sec. B.326 is amended to read:

Sec. B.326 Department for children and families - OEO - weatherization assistance

Personal services	333,097	333,097
Operating expenses	56,878	56,878
Grants	<u>10,529,067</u>	<u>10,529,067</u>
Total	<u>10,919,042</u>	<u>10,919,042</u>
Source of funds		
Special funds	<u>9,690,895</u>	<u>9,170,895</u>
Federal funds	<u>1,228,147</u>	<u>1,748,147</u>
Total	<u>10,919,042</u>	<u>10,919,042</u>

Sec. 24. 2017 Acts and Resolves No. 85, Sec. B.327 is amended to read:

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	5,515,892	5,515,892
Operating expenses	<u>697,584</u>	<u>697,584</u>
Total	<u>6,213,476</u>	<u>6,213,476</u>
Source of funds		
General fund	1,142,720	6,116,476
Global Commitment fund	4,973,756	0
Interdepartmental transfers	<u>97,000</u>	<u>97,000</u>
Total	<u>6,213,476</u>	<u>6,213,476</u>

Sec. 25. 2017 Acts and Resolves No. 85, Sec. B.328 is amended to read:

Sec. B.328 Department for children and families - disability determination services

Personal services	6,023,192	5,989,829
Operating expenses	<u>507,294</u>	<u>501,282</u>
Total	6,530,486	6,491,111
Source of funds		
General fund	82,500	104,020
Federal funds	6,338,219	6,387,091
Global Commitment fund	<u>109,767</u>	<u>0</u>
Total	6,530,486	6,491,111

Sec. 26. 2017 Acts and Resolves No. 85, Sec. B.329 is amended to read:

Sec. B.329 Disabilities, aging, and independent living - administration & support

Personal services	31,147,704	31,207,704
Operating expenses	<u>5,194,746</u>	<u>5,194,746</u>
Total	36,342,450	36,402,450
Source of funds		
General fund	15,894,860	15,894,860
Special funds	1,390,457	1,390,457
Federal funds	17,990,849	18,050,849
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	36,342,450	36,402,450

Sec. 27. 2017 Acts and Resolves No. 85, Sec. B.330 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>21,162,885</u>	<u>20,862,885</u>
Total	21,162,885	20,862,885
Source of funds		
General fund	8,403,232	8,403,232
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>5,611,187</u>	<u>5,311,187</u>
Total	21,162,885	20,862,885

Sec. 28. 2017 Acts and Resolves No. 85, Sec. B.333 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>208,837,426</u>	<u>210,048,542</u>
Total	208,837,426	210,048,542
Source of funds		

General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>208,306,981</u>	<u>209,518,097</u>
Total	<u>208,837,426</u>	<u>210,048,542</u>

Sec. 29. 2017 Acts and Resolves No. 85, Sec. B.339 is amended to read:

Sec. B.339 Corrections - Correctional services-out of state beds

Personal services	<u>7,410,632</u>	<u>7,594,592</u>
Total	<u>7,410,632</u>	<u>7,594,592</u>
Source of funds		
General fund	<u>7,410,632</u>	<u>7,594,592</u>
Total	<u>7,410,632</u>	<u>7,594,592</u>

Sec. 30. 2017 Acts and Resolves No. 85, Sec. B.342 is amended to read:

Sec. B.342 Vermont veterans' home - care and support services

Personal services	<u>18,740,073</u>	19,189,073
Operating expenses	<u>4,687,334</u>	<u>4,687,334</u>
Total	<u>23,427,407</u>	<u>23,876,407</u>
Source of funds		
General fund	<u>6,365,116</u>	6,814,116
Special funds	8,474,443	8,474,443
Federal funds	8,176,862	8,176,862
Global Commitment fund	<u>410,986</u>	<u>410,986</u>
Total	<u>23,427,407</u>	<u>23,876,407</u>

Sec. 31. 2017 Acts and Resolves No. 85, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	<u>690,747,501</u>	689,767,401
Special funds	<u>105,242,759</u>	107,114,298
Tobacco fund	<u>23,308,187</u>	23,008,486
State health care resources fund	<u>293,176,780</u>	288,150,091
Education fund	3,189,163	3,189,163
Federal funds	<u>1,408,931,087</u>	1,364,287,286
Global Commitment fund	<u>1,541,149,269</u>	1,508,288,966
Internal service funds	1,941,561	1,941,561
Interdepartmental transfers	<u>45,068,129</u>	43,738,937
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>4,112,779,436</u>	<u>4,029,511,189</u>

Sec. 32. 2017 Acts and Resolves No. 85, Sec. B.504.1 is amended to read:

Sec. B.504.1 Education - Flexible Pathways

Grants	<u>7,200,000</u>	<u>7,850,000</u>
Total	<u>7,200,000</u>	<u>7,850,000</u>
Source of funds		
Education fund	<u>7,200,000</u>	<u>7,850,000</u>
Total	<u>7,200,000</u>	<u>7,850,000</u>

Sec. 33. 2017 Acts and Resolves No. 85, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	427,964,287	427,964,287
Special funds	22,238,547	22,238,547
Tobacco fund	750,388	750,388
Education fund	<u>1,614,888,843</u>	<u>1,615,538,843</u>
Federal funds	136,958,720	136,958,720
Global Commitment fund	260,000	260,000
Interdepartmental transfers	4,608,110	4,608,110
Pension trust funds	<u>7,687,431</u>	<u>7,687,431</u>
Total	<u>2,215,356,326</u>	<u>2,216,006,326</u>

Sec. 33a. 2017 Acts and Resolves No. 85, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	53,313,749	53,313,749
Operating expenses	<u>193,926,320</u>	194,809,248
Grants	<u>40,242,156</u>	<u>40,242,156</u>
Total	<u>287,482,225</u>	288,365,153
Source of funds		
Transportation fund	<u>39,895,056</u>	40,417,106
TIB fund	<u>8,198,136</u>	8,559,014
Federal funds	238,291,275	238,291,275
Interdepartmental transfers	239,345	239,345
Local match	<u>858,413</u>	<u>858,413</u>
Total	<u>287,482,225</u>	288,365,153

Sec. 33b. 2017 Acts and Resolves No. 85, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	6,410,380	6,410,380
Operating expenses	<u>30,670,870</u>	<u>31,570,870</u>
Total	<u>37,081,250</u>	37,981,250
Source of funds		
Transportation fund	<u>18,935,869</u>	19,835,869

TIB fund	2,840,249	2,840,249
Federal funds	15,269,507	15,269,507
Interdepartmental transfers	<u>35,625</u>	<u>35,625</u>
Total	37,081,250	37,981,250

Sec. 33c. 2017 Acts and Resolves No. 85, Sec. B.911 is amended to read:

Sec. B.911 Transportation - town highway structures

Grants	<u>6,333,500</u>	<u>6,451,450</u>
Total	6,333,500	6,451,450
Source of funds		
Transportation fund	<u>6,333,500</u>	<u>6,451,450</u>
Total	6,333,500	6,451,450

Sec. 33d. 2017 Acts and Resolves No. 85, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds

Transportation fund	<del>249,382,048</del>	250,922,048
TIB fund	<del>12,195,312</del>	12,556,190
Special funds	3,100,000	3,100,000
Federal funds	325,648,972	325,648,972
Internal service funds	20,054,911	20,054,911
Interdepartmental transfers	1,093,999	1,093,999
Local match	<u>1,625,777</u>	<u>1,625,777</u>
Total	<del>613,101,019</del>	615,001,897

Sec. 34. 2017 Acts and Resolves No. 85, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>79,333,039</u>	<u>73,160,878</u>
Total	79,333,039	73,160,878
Source of funds		
General fund	<del>73,989,703</del>	67,817,542
Transportation fund	1,709,452	1,709,452
ARRA funds	1,130,146	1,130,146
TIB debt service fund	<u>2,503,738</u>	<u>2,503,738</u>
Total	<del>79,333,039</del>	73,160,878

Sec. 35. 2017 Acts and Resolves No. 85, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds		
General fund	<del>73,989,703</del>	67,817,542
Transportation fund	1,709,452	1,709,452

ARRA funds	1,130,146	1,130,146
TIB debt service fund	<u>2,503,738</u>	<u>2,503,738</u>
Total	<u>79,333,039</u>	<u>73,160,878</u>

Sec. 36. 2017 Acts and Resolves No. 85, Sec. D.101 is amended to read:

Sec. D.101 FISCAL YEAR 2018 FUND TRANSFERS, REVERSIONS,  
AND RESERVES

\* \* \*

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2018:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21525</u>	<u>Conference Fees and Donation</u>	<u>655.00</u>
21550	Land & Facilities Trust Fund	429,000.00
21638	AG-Fees & Reimbursements-Court Order	2,000,000.00
<u>21848</u>	<u>ED - Private Sector Grants</u>	<u>9,912.61</u>
21909	Tax Computer System Modernization	798,808.00
21937	GMCB Regulatory and Admin Fund	850,000.00
22005	AHS Central Office earned federal receipts	32,971,342.00
50300	Liquor Control Fund	1,055,000.00
	Caledonia Fair	5,000.00
	North Country Hospital Loan	24,250.00

(2) Estimated amounts shall be transferred from the following funds to the General Fund in fiscal year 2018:

<u>21638</u>	<u>AG-Fees &amp; Reimbursements-Court Order</u>	<u>2,000,000.00</u>
<u>62100</u>	<u>Unclaimed Property Fund</u>	<u>3,415,143.00</u>

(3) All or a portion of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080), expected to be approximately \$12,667,420 shall be transferred to the General Fund, provided that on or before July 1, 2018 the Commissioner of Financial Regulation certifies to the Joint Fiscal Committee that the transfer of such balances or any smaller portion deemed proper by the Commissioner will not impair the ability of the Department in fiscal year 2019 to provide thorough, competent, fair, and effective regulatory services or maintain accreditation by

the National Association of Insurance Commissioners; and that the Joint Fiscal Committee does not reject such certification.

(4) The following amount shall be transferred from the General Fund to the fund indicated:

<u>21555</u>	<u>Emergency Relief and Assistance Fund</u>	<u>809,729.00</u>
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(5) An amount up to \$16,900,000 shall be transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with funds appropriated in 2017 Acts and Resolves, No. 85, Sec. B.301 - Secretary's office - global commitment, as amended by H.633 of 2018.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2018:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

<u>1210001000</u>	<u>Legislative Council</u>	<u>150,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>385,000.00</u>
<u>1230001000</u>	<u>Sergeant at Arms</u>	<u>19,000.00</u>
<u>7120890704</u>	<u>International Trade Commission</u>	<u>7,711.88</u>
<u>1110003000</u>	<u>Budget &amp; Management</u>	<u>27,921.28</u>
<u>1100010000</u>	<u>Secretary of Administration</u>	<u>100,000.00</u>
<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>404.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>	<u>21,424.41</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>53,389.23</u>
<u>2100002000</u>	<u>Court Diversion</u>	<u>24,744.91</u>
<u>2160010000</u>	<u>Victims Compensation</u>	<u>489.05</u>
<u>2280001000</u>	<u>Human Rights Commission</u>	<u>10,000.00</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>3,040.00</u>
<u>5100070000</u>	<u>Education – Education Services</u>	<u>128.66</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>1,065.35</u>
<u>7100000000</u>	<u>Administration Division</u>	<u>3,000.00</u>

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100040000</u>	<u>Special Education Formula</u>	<u>513,046.09</u>
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<u>5100060000</u>	<u>Adult Basic Education</u>	<u>9,484.40</u>
<u>5100210000</u>	<u>Flexible Pathways</u>	<u>416,789.60</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>4,577,182.35</u>
<u>5100100000</u>	<u>Transportation</u>	<u>180,797.00</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>395,595.00</u>
<u>5100120000</u>	<u>Debt Service Aid</u>	<u>8,636.00</u>
<u>5100190000</u>	<u>Essential Early Education Grant</u>	<u>220,781.91</u>
<u>5100200000</u>	<u>Education - Technical Education</u>	<u>363,463.07</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>1,804,262.00</u>

Sec. 37. TEMPORARY GENERAL FUND RESERVE

(a) There is hereby created the Temporary General Fund Reserve for use during the 2018 legislative session. It shall consist of:

(1) \$4,811,116 in the General Fund reserved in the Temporary General Fund Reserve.

(2) Amounts of available fiscal year 2018 General Fund revenue above \$1,490,690,000, pursuant to the official revenue forecast made on January 18, 2018.

(b) It is the intent of the General Assembly that these funds shall be appropriated, transferred, and otherwise used for budgetary needs identified in the fiscal year 2019 legislative budget development process. The Reserve shall cease to exist upon final adjournment of the 2018 legislative session.

Sec. 38. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;  
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2018, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2018 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 39. 32 V.S.A. § 6075a is added to read:

§ 6075a. EDUCATION FINANCIAL SYSTEMS FUND

There is created a special fund to be called the “Education Financial Systems Fund.” The purpose of the Fund is to provide for implementation of a uniform chart of accounts by the Agency of Education as provided in 2014 Acts and Resolves No. 179, Secs. E.500.2 and E.500.3, and Sec. E.500.1 as amended by 2015 Acts and Resolves No. 58, Sec. E.500.1.

Sec. 40. TRANSITION OF THE SUPPLEMENTAL PROPERTY TAX  
RELIEF FUND TO THE EDUCATION FINANCIAL SYSTEMS  
FUND

(a) The Supplemental Property Tax Relief Fund was created in 32 V.S.A. § 6075 by 2012 Acts and Resolves No. 162, Sec. D.103, and was repealed effective on July 1, 2017 pursuant to 2014 Acts and Resolves No. 179, Sec. D.105(b).

(b) Effective on July 1, 2017, and notwithstanding the requirements of 1 V.S.A. § 214, the Education Financial Systems Fund created by 32 V.S.A. § 6075a, as enacted by Sec. 39 of this act, becomes the successor to the repealed Supplemental Property Tax Relief Fund referenced in subsection (a) of this section.

(c) The July 1, 2017 balance in the Supplemental Property Tax Relief Fund created by 32 V.S.A. § 6075 shall be transferred to the Education Financial Systems Fund established by 32 V.S.A. § 6075a in Sec. 39 of this act, and shall be available to the Agency of Education as specified in 32 V.S.A. § 6075a.

Sec. 41. 2017 Acts and Resolves No. 85, Sec. E.301 is amended to read:

Sec. E.301 Secretary’s office – Global Commitment

\* \* \*

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$26,452,991~~ \$26,453,027 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$23,371,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$27,128,600 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) ~~\$3,081,591~~ \$3,081,627 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

#### Sec. 42. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, Education Fund, Clean Water Fund (Fund 21932), and Agricultural Water Quality Fund (Fund 21933) appropriations remaining unexpended on June 30, 2018 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2018 in the Legislative and Judicial Branches of State government shall be carried forward and shall be designated for expenditure.

#### Sec. 43. USE OF THE GENERAL FUND BALANCE RESERVE

(a) Pursuant to 32 V.S.A. § 308c(b), \$5,190,000 is unreserved from the General Fund Balance Reserve in fiscal year 2018.

(b) The provision in subsection (a) of this section only shall occur as necessary to the extent that the official General Fund revenue forecast for fiscal year 2018 as determined on January 18, 2018 is below \$1,490,690,000.

#### Sec. 44. TRANSPORTATION FUND APPROPRIATION TRANSFER AUTHORITY

(a) Notwithstanding 32 V.S.A. § 706, the Secretary of Administration, after consulting with the Secretary of Transportation, is authorized, subject to subsection (b) of this section, to transfer balances of fiscal year 2018 Transportation Fund appropriations within the Agency of Transportation to the extent a project in the fiscal year 2018 transportation program requires additional funding to maintain its approved schedule.

(b) An appropriation may be transferred under subsection (a) of this section only if the related monies are not needed for a project because:

(1) the project has been delayed due to permitting, right-of-way, or other unforeseen issues; or

(2) of cost savings generated by the project.

(c) In making any appropriation transfer authorized under this section, the Secretary of Administration shall avoid, to the extent possible, any reductions in appropriations to the town programs described in 19 V.S.A. § 306. Any reductions to these town programs shall not affect the timing of

reimbursements to towns for projects or delay any projects or grants and shall be replaced in the affected appropriations in fiscal year 2019.

(d)(1) Within five business days after the end of each month through May 2018, the Agency of Transportation shall submit to the House and Senate Committees on Transportation and the Joint Fiscal Office a report on all appropriation transfers made pursuant to this section.

(2) In July 2018, the Secretary of Administration shall report all appropriation reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. 45. 2017 Acts and Resolves No. 85, Sec. E.909 is amended to read:

Sec. E.909 Transportation – central garage

(a) Of this appropriation, ~~\$7,904,353~~ \$6,804,353 is appropriated from the Transportation Equipment Replacement Account within the Central Garage Fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. 46. 2017 Acts and Resolves No. 85, Sec. E.139 is amended to read:

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and ~~\$26,000~~ \$116,000 shall be transferred to the Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. 47. 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, by 2013 Acts and Resolves No.1, Sec. 65, and by 2014 Acts and Resolves No. 95, Sec. 62, is further amended to read:

Sec. 282. TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) Creation of fund.

\* \* \*

(2) Balances in the Fund shall be administered by the Department of Taxes and used for the exclusive purposes of funding: A) ancillary development of information technology systems necessary for implementation and continued operation of the data warehouse project; B) payments due to the

vendor under the data warehouse project contract; C) enhanced compliance costs related to the data warehouse project; D) planning for an integrated tax system solution, including present-day analysis of business case and business requirements, requests for proposals and due diligence; E) implementation of tax types and any additional data warehouse modules into the selected integrated tax system solution; ~~and~~ F) a micro-simulation model for use by the Department of Taxes and the Joint Fiscal Office; and G) implementation of an ancillary scanning system to enhance the operation of tax types incorporated into the integrated tax system solution. All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund. This Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5.

\* \* \*

Sec. 48. SPECIAL FUND APPROPRIATIONS FOR TAX COMPUTER SYSTEMS

(a) \$6,000,000 is appropriated from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, by 2013 Acts and Resolves No. 1, Sec. 65, and by 2014 Acts and Resolves No. 95, Sec. 62, and as further amended by Sec. 47 of this act. This appropriation shall carry forward through fiscal year 2020.

Sec. 49. 2013 Acts and Resolves No. 1, Sec. 67 is amended to read:

Sec. 67. SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) \$9,022,173 is appropriated from the Tax Computer System Modernization Special Fund established pursuant to Sec. 282 of No. 65 of the Acts of 2007, as amended in Sec. C.103 of No. 63 of the Acts of 2011, and as further amended in Sec. 65 of this act. This appropriation shall carry forward through fiscal year ~~2018~~ 2020. The Commissioner shall anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

Sec. 50. 2017 Acts and Resolves No. 85, Sec. E.324 is amended to read:

Sec. E.324 LIHEAP AND WEATHERIZATION

\* \* \*

(b) In fiscal year 2018 only, up to \$1,790,000 of the funds transferred from the Home Weatherization Assistance Fund to the Low Income Home Energy Assistance Program under subsection (a) of this section may subsequently be transferred to the Department for Children and Families administration and support services appropriation (Sec. B.316).

Sec. 51. 2014 Acts and Resolves No. 131, Sec. 135, as amended by 2015 Acts and Resolves No. 4, Sec. 71 and 2017 Acts and Resolves No. 85, Sec. E.338.2, is further amended to read:

Sec. 135. EFFECTIVE DATES

~~[Repealed.]~~ This act shall take effect on passage, except that Secs. 118a and 118b (amending 18 V.S.A. § 4808 and adding 18 V.S.A. § 4809) shall take effect on July 1, 2021.

Sec. 52. VERMONT HOUSEHOLD HEALTH INSURANCE SURVEY

(a) In its conduct of household health insurance surveys pursuant to 18 V.S.A. § 9410(i), the Department of Health shall collect and analyze information in a manner that is consistent with the Vermont Household Health Insurance Surveys conducted in 2000, 2005, 2008, 2009, 2012, and 2014 to allow for the identification and evaluation of trends over time.

Sec. 53. 2017 Acts and Resolves No. 85, Sec. B.1101 is amended to read:

Sec. B.1101 FISCAL YEAR 2018 ONE-TIME GENERAL FUND  
APPROPRIATIONS

(a) Department for Children and Families:

(1) ~~The sum of \$600,000~~ \$300,000 in general funds is appropriated to the Department for Children and Families to be used to facilitate the development of ~~two a seasonal warming shelters, one in the Rutland district office service area and one shelter~~ in the Barre district office service area to be in place for the 2017-2018 heating season. The Department for Children and Families and the local continuums of care in the ~~Rutland and Barre districts~~ district shall report on or before September 15 and November 15, 2017 to the Legislative Joint Fiscal Committee on the progress of the siting and development of the seasonal warming shelters in these two areas of the State shelter.

(2) The Secretary of Human Services and the Commissioner for Children and Families shall work with hospitals and community organizations to access additional funding, matching funds, and in-kind contributions, and to facilitate siting to expand shelter availability throughout other regions of the State. A report on projected shelter availability for the 2017-2018 heating season shall be submitted to the Legislative Joint Fiscal Committee on or before November 15, 2017.

(3) The sum of \$300,000 in general funds is appropriated to the Department for Children and Families to be used to facilitate the development of one or more seasonal warming shelters in Rutland or other areas of the State determined by the Commissioner to have the greatest emergency housing need.

\* \* \*

Sec. 54. INTENT FOR DEPARTMENT FOR CHILDREN AND FAMILIES;  
CHILDREN'S INTEGRATED SERVICES

(a) It is the intent of the General Assembly that the fiscal year 2018 appropriation adjustment included in the Department for Children and Families, Division of Child Development, for Children's Integrated Services is a one-time reduction and will be restored as part of the base budget in fiscal year 2019.

Sec. 55. CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2018, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office, and at the next scheduled meeting of the Joint Fiscal Committee the Secretary of Administration shall report any completed transfers.

(b) Every month until July 2018, the Department of Corrections shall report to the Senate Committee on Judiciary and the House Committee on Corrections and Institutions any extraordinary expenditures related to out-of-state placement and the number of inmates occupying out-of-state beds. If at any time the number of inmates occupying out-of-state beds exceeds 250, the Department shall immediately notify the same committees.

Sec. 56. 2 V.S.A. § 70 is amended to read:

§ 70. CAPITOL POLICE DEPARTMENT

\* \* \*

(b) Powers; training.

\* \* \*

(2) Notwithstanding any other provision of law to the contrary, a Capitol Police officer shall be a Level II or Level III law enforcement officer certified by the Vermont Criminal Justice Training Council pursuant to the provisions of 20 V.S.A. chapter 151, except that the Chief of the Capitol Police shall be a Level III certified law enforcement officer.

\* \* \*

Sec. 56a. REIMBURSEMENT FOR FERDINAND SCHOOL DISTRICT TO  
CORRECT A FISCAL YEAR 2017 BUDGET SUBMISSION  
ERROR

(a) Notwithstanding any other provision of law, of the funds appropriated in 2017 Acts and Resolves No. 85, Sec. B.505, the Agency of Education shall use \$32,798.00 to reimburse the Ferdinand School District in order to correct a fiscal year 2017 budget submission error.

Sec. 57. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214 or any other act or provision, Secs. 39 and 40 (Education Financial Systems Fund) and 56 (Capitol Police) shall take effect on passage and apply retroactively to July 1, 2017.

(b) This section and all remaining sections shall take effect on passage.

And by renumbering all the sections of the bill to be numerically correct (including internal references) and adjusting all of the totals to be arithmetically correct

(For text see House Journal January 18, 2018 )

**NOTICE CALENDAR**

**Committee Bill for Second Reading**

**H. 799**

An act relating to notice of sale of property subject to unpaid property taxes.

**(Rep. Burditt of West Rutland** will speak for the Committee on Judiciary.)

**Favorable with Amendment**

**H. 585**

An act relating to management of records

**Rep. Devereux of Mount Holly**, for the Committee on Government Operations, recommends the bill be amended as follows:

By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. 1 V.S.A. § 317a is amended to read:

§ 317a. ~~DISPOSITION~~ MANAGEMENT OF PUBLIC RECORDS

(a)(1) Public records in general and archival records in particular should be systematically managed to provide ready access to vital information, to promote the efficient and economical operation of government, and to preserve their legal, administrative, and informational value.

(2) Any public agency may seek services from the Statewide Records



and Information Management Program, as defined in 3 V.S.A. § 117(b) and administered by the Vermont State Archives and Records Administration, to establish, maintain, and implement an active and continuing internal records and information management program for the agency.

(b) A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist pursuant to 3 V.S.A. § 117(a)(5).

**( Committee Vote: 9-0-2)**

### **H. 589**

An act relating to the reasonable and prudent parent standard

**Rep. Troiano of Stannard**, for the Committee on Human Services, recommends the bill ought to pass.

**(Committee Vote: 11-0-0)**

**Rep. Willhoit of St. Johnsbury**, for the Committee on Judiciary, recommends the bill be amended as follows:

In Sec. 1, subdivision (a)(2), by inserting the word “parent” after the word “prudent”

**( Committee Vote: 11-0-0)**

### **H. 686**

An act relating to establishing the Child Fatality Review Team

**Rep. Keefe of Manchester**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 30A is added to read:

#### CHAPTER 30A. CHILD FATALITY REVIEW TEAM

##### § 1561. CHILD FATALITY REVIEW TEAM

(a) Creation. There is created the Child Fatality Review Team within the Department of Health for the following purposes:

(1) to examine cases of child fatality in Vermont in which the fatality is either unexpected, unexplained, or preventable;

(2) to identify system gaps and risk factors associated with child fatalities that are either unexpected, unexplained, or preventable;

(3) to educate the public, service providers, and policymakers about unexpected, unexplained, or preventable child fatalities and strategies for intervention;

(4) to recommend legislation, rules, policies, practices, training, and coordination of services that promote interagency collaboration and prevent future unexpected, unexplained, or preventable child fatalities.

(b) Membership.

(1) The Team shall comprise the following members:

(A) the Chief Medical Examiner or designee;

(B) the Commissioner of Health or designee;

(C) the Commissioner for Children and Families or designee;

(D) the Commissioner of Mental Health or designee;

(E) the Commissioner of Public Safety or designee;

(F) the Secretary of Education or designee;

(G) the Attorney General or designee;

(H) a physician licensed to practice pursuant to 26 V.S.A. chapter 23 or 33 who specializes in the practice of pediatrics, appointed by the Vermont chapter of the American Academy of Pediatrics;

(I) a physician licensed to practice pursuant to 26 V.S.A. chapter 23 or 33 who specializes in the practice of child psychiatry, appointed by the Vermont Psychiatric Association;

(J) a municipal law enforcement officer, appointed by the Vermont Association of Chiefs of Police; and

(K) any other professional specializing in child abuse or neglect, health, social work, child care, education, or law enforcement and who is appointed by the Secretary of Human Services.

(2)(A) The members of the Team specified in subdivision (1) of this subsection shall serve three-year terms, except that of the members first appointed pursuant to subdivisions (1)(H)–(K) of this subsection, two shall serve a term of one year and two shall serve a term of two years.

(B) Any vacancy on the Team shall be filled in the same manner as the original appointment. The replacement member shall serve for the remainder of the unexpired term.

(c) Meetings.

(1) The Team shall meet at such times as may reasonably be necessary

to carry out its duties, but at least once in each calendar quarter.

(2) The Commissioner of Health or designee shall call the first meeting of the Team to occur on or before September 30, 2018.

(3) The Team shall select a chair and vice chair from among its members at the first meeting, and biannually thereafter.

(d) Assistance. The Team shall have the administrative, technical, and legal assistance of the Department of Health.

(e) Access to information and records.

(1) In any case under review by the Team, upon written request of the Chair, a person who possesses information or records that are necessary and relevant to the review of a child fatality that is either unexpected, unexplained, or preventable shall, as soon as practicable, provide the Team with the information and records. All requests for information or records by the Chair related to a case under review shall be provided by the person possessing the information or records to the Team at no cost.

(2) A person shall not be held criminally or civilly liable for disclosing or providing information or records to the Team pursuant to this subsection.

(3) The Team shall not have access to the proceedings, reports, and records of a peer review committee as defined in 26 V.S.A. § 1441.

(f) Limitations.

(1) The Team's review process shall not commence until:

(A) any criminal prosecution arising out of the child fatality is concluded or the Attorney General and State's Attorney provide written notice to the Team that no criminal charges shall be filed; and

(B) any investigation by the Department for Children and Families is concluded.

(2) The Team shall seek to obtain information or records generated in the course of an investigation from State agencies or law enforcement officials before making a request to health care providers and educators.

(g)(1) Confidentiality. The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use the information or records generated during the course of

its review for purposes other than those described in this section.

(2) The Team's meetings are confidential and shall be exempt from 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law).

(3) Members of the Team and persons invited to testify before the Team shall not disclose information, records, discussions, and opinions stated in connection to the Team's review. Members of the Team and persons invited to testify before the Team shall execute a sworn statement honoring the confidentiality of all information, records, discussions, and opinions related to the Team's review, which shall be maintained by the Chair.

(h) Report. Notwithstanding 2 V.S.A. § 20(d), the Team shall report its conclusions and recommendations to the Governor and General Assembly, as the Team deems necessary, but not less frequently than once per calendar year. The report shall disclose individually identifiable information only to the extent necessary to convey the Team's conclusions and recommendations, and any such disclosures shall be limited to information already known to the public. The report shall be available to the public through the Department of Health.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.

**( Committee Vote: 11-0-0)**

### **H. 719**

An act relating to insurance companies and trust companies

**Rep. Frenier of Chelsea**, for the Committee on Commerce and Economic Development, recommends the bill be amended as follows:

In Sec. 8, 8 V.S.A. § 12602(q), by striking out "section 12201" and inserting in lieu thereof subsection 12201(a)

**( Committee Vote: 10-0-1)**

### **Favorable**

### **H. 581**

An act relating to Connectivity Initiative grant eligibility

Rep. Sibilila of Dover, for the Committee on Energy and Technology, recommends the bill ought to pass.

**( Committee Vote: 8-0-0)**

**H. 582**

An act relating to increased funding for the Connectivity Initiative

Rep. Sibilias of Dover, for the Committee on Energy and Technology, recommends the bill ought to pass.

**( Committee Vote: 6-2-0)**

**H. 603**

An act relating to human trafficking

Rep. Morris of Bennington, for the Committee on Judiciary, recommends the bill ought to pass.

**( Committee Vote: 11-0-0)**

**Ordered to Lie**

**H. 167**

An act relating to alternative approaches to addressing low-level illicit drug use.

Pending Question: Shall the House concur in the Senate Proposal of Amendment?

**H. 219**

An act relating to the Vermont spaying and neutering program.

Pending Question: Shall the House concur in the Senate Proposal of Amendment?

**Consent Calendar**

**Concurrent Resolutions for Adoption Under Joint Rule 16a**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before today's adjournment. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar of February 1, 2018.

**H.C.R. 233**

House concurrent resolution recognizing January 2018 as National Mentoring Month in Vermont

## H.C.R. 234

House concurrent resolution designating Wednesday, January 31, 2018 as  
Mental Health Advocacy Day at the State House

### Public Hearings

Public Hearing on the Governor's Recommended FY2019 State Budget, Held  
by House Committee on Appropriations, Tuesday, February 13, 2018, 6:00pm-  
7:00pm in Room 11

### Information Notice

#### CROSS OVER DATES

The Joint Rules Committee established the following Crossover deadlines:

(1) All **House** bills must be reported out of the last committee of reference (including the Committees on Appropriations and Ways and Means, except as provided below in (2) and the exceptions listed below) on or before **Friday, March 2, 2018**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.

(2) All **House** bills referred pursuant to House Rule 35(a) to the Committees on Appropriations and Ways and Means must be reported out by the last of those committees on or before **Friday, March 16, 2018**, and filed with the Clerk so they may be placed on the Calendar for Notice the next legislative day.

#### **Election of two (2) trustees for the Vermont State Colleges Corporation. Thursday, February 15, 2018 - 10:30 A.M.**

Candidates for the positions of trustee must notify the Secretary of State **in writing** not later than Thursday, February 8, 2018, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.