

Journal of the Senate

THURSDAY, APRIL 5, 2018

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Passed in Concurrence

H. 589.

House bill of the following title was read the third time and passed in concurrence:

An act relating to the reasonable and prudent parent standard.

Proposals of Amendment; Third Reading Ordered

H. 562.

Senator Nitka, for the Committee on Judiciary, to which was referred House bill entitled:

An act relating to parentage proceedings.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, Title 15C, in subdivision § 307(a)(2)(B), by striking out the following: “, provided there is no acknowledgment or denial prior to such hearing”

Second: In Sec.1, Title 15C, in subdivision § 308(a)(2), by striking out the following: “one year” and inserting in lieu thereof the following: two years

Third: In Sec. 1, Title 15C, in § 401, by adding a subsection (c) to read as follows:

(c) If a person files a petition alleging he or she is a presumed parent pursuant to subdivision (a)(4) of this section, the petition shall include an affidavit disclosing whether the petitioner has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the

child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Fourth: In Sec. 1, Title 15C, in subdivision § 402(b)(3), by striking out the last sentence and inserting in lieu thereof the following: 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, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Fifth: In Sec. 1, Title 15C, in § 501(a)(2), by striking out the last sentence and inserting in lieu thereof the following: 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, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69.

Sixth: In Sec. 1, Title 15C, in § 502, by striking out subsection (a) in its entirety and inserting in lieu thereof the following:

(a)(1) 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.

(2) The petition shall include:

(A) an affidavit disclosing whether the petitioner has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child and placed on either the Child Protection Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to 33 V.S.A. chapter 69; and

(B) a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child.

Seventh: In Sec. 1, Title 15C, in § 803, by striking out subdivision (a)(3) and inserting in lieu thereof the following:

(3) Notwithstanding subdivisions (1) and (2) of this subsection, 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 pursuant to chapters 1 through 6 of this title.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

House Proposals of Amendment Concurred In

S. 221.

House proposals of amendment to Senate bill entitled:

An act relating to establishing extreme risk protection orders.

Were taken up.

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, 13 V.S.A. § 4053, in subdivision (c)(2)(A)(ii), by striking out the words “intended to place” and inserting in lieu thereof the word placed

Second: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(1), by striking out the words “at the time of the hearing”

Third: In Sec. 1, in 13 V.S.A. § 4053, in subdivision (e)(2), by striking out the following: “60 days” and inserting in lieu thereof the following: six months

Fourth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (a)(1), at the end of the subdivision, by striking out the word “filed” and inserting in lieu thereof the word submitted

Fifth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(1), at the end of the subdivision, after the word “title” by inserting the following: , and the court shall deliver a copy to the holding station

Sixth: In Sec. 1, 13 V.S.A. § 4054, in subdivision (b)(2)(A)(ii), by striking out the words “intended to place” and inserting in lieu thereof the word placed

Seventh: In Sec. 1, in 13 V.S.A. § 4055, in subdivisions (b)(1) and (b)(2), by, in each instance, striking out the following: “60 days” and inserting in lieu thereof the following: six months

Eighth: In Sec. 1, in 13 V.S.A. § 4056, in subsection (a), in the second sentence, after the word “service” by inserting the following: , and shall deliver a copy to the holding station

Ninth: In Sec. 1, 13 V.S.A., after § 4060 by inserting a new § 4061 to read as follows:

§ 4061. EFFECT ON OTHER LAWS

This chapter shall not be construed to prevent a court from prohibiting a person from possessing firearms under any other provision of law.

Thereupon, the question, Shall the Senate concur in the House proposals of amendment?, was decided in the affirmative on a roll call, Yeas 30, Nays 0.

Senator Collamore having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Benning, Branagan, Bray, Brock, Brooks, Campion, Clarkson, Collamore, Cummings, Flory, Ingram, Kitchel, Lyons, MacDonald, Mazza, McCormack, Nitka, Pearson, Pollina, Rodgers, Sears, Sirotkin, Soucy, Starr, Westman, White.

Those Senators who voted in the negative were: None.

Adjournment

On motion of Senator Ashe, the Senate adjourned until eleven o’clock and thirty minutes in the morning.