

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 562
3 entitled “An act relating to parentage proceedings” respectfully reports that it
4 has considered the same and recommends that the Senate propose to the House
5 that the bill be amended as follows:

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

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

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

12 (c) If a person files a petition alleging he or she is a presumed parent
13 pursuant to subdivision (a)(4) of this section, the petition shall include an
14 affidavit disclosing whether the petitioner has been convicted of domestic
15 assault, sexual assault, or sexual exploitation of the child or another parent of
16 the child, was subject to a final abuse protection order pursuant to 15 V.S.A.
17 chapter 21 because the person was found to have committed abuse against the
18 child or another parent of the child, or was substantiated for abuse against the
19 child or another parent of the child and placed on either the Child Protection
20 Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry
21 pursuant to 33 V.S.A. chapter 69.

1 Fourth: In Sec. 1, Title 15C, in subdivision 402(b)(3), by striking out the
2 last sentence and inserting in lieu thereof the following:

3 Evidence of duress, coercion, or threat of harm may include whether
4 within the prior ten years, the person presumed to be a parent pursuant to
5 subdivision 401(a)(4) of this title has been convicted of domestic assault,
6 sexual assault, or sexual exploitation of the child or another parent of the child,
7 was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21
8 because the person was found to have committed abuse against the child or
9 another parent of the child, or was substantiated for abuse against the child or
10 another parent of the child and placed on either the Child Protection Registry
11 pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry pursuant to
12 33 V.S.A. chapter 69.

13 Fifth: In Sec. 1, Title 15C, in subdivision 501(a)(2), by striking out the last
14 sentence and inserting in lieu thereof the following:

15 Such evidence may include whether within the prior ten years, the person
16 seeking to be adjudicated a de facto parent has been convicted of domestic
17 assault, sexual assault, or sexual exploitation of the child or another parent of
18 the child, was subject to a final abuse protection order pursuant to 15 V.S.A.
19 chapter 21 because the person was found to have committed abuse against the
20 child or another parent of the child, or was substantiated for abuse against the
21 child or another parent of the child and placed on either the Child Protection

1 Registry pursuant to 33 V.S.A. chapter 49 or the Adult Abuse Registry
2 pursuant to 33 V.S.A. chapter 69.

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

5 (a)(1) A person seeking to be adjudicated a de facto parent of a child shall
6 file a petition with the Family Division of the Superior Court before the child
7 reaches 18 years of age. Both the person seeking to be adjudicated a de facto
8 parent and the child must be alive at the time of the filing.

9 (2) The petition shall include:

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

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

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

1 (3) Notwithstanding subdivisions (1) and (2) of this subsection, if genetic
2 testing indicates a genetic relationship between the gestational carrier and the
3 child, parentage shall be determined by the Family Division of the Superior
4 Court pursuant to chapters 1 through 6 of this title.

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12 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE