

## MEMO

**TO: Representative Maxine Grad, Chair House Committee on Judiciary**

**FROM: Brian J. Grearson, Chief Superior Judge**

**DATE: January 16, 2018**

**SUBJECT: H.562 Parentage**

Dear Madam Chair,

Thank you for the opportunity to discuss the expected impact of H. 562 on the Judiciary.

The Judiciary is grateful that the House Judiciary Committee is responding to requests for guidance from the Supreme Court in cases where an individual who is not biologically related to a child, has not legally adopted the child, and is not married to the child's legal parent seeks to be recognized as the child's parent. (See, e.g., Sinnot v. Peck, 2017 VT 115 ¶ 11).

It does not appear that H. 562 will impose significant administrative costs to either the Family or Probate Divisions of the Judiciary, and the Judiciary takes no position with respect to the policy choices reflected in the bill. There is one point of clarification needed in that matters joined for hearing pursuant to Section 110(a) should be heard in the Family Division.

It is worth noting that the proposed bill does not impose limits on the number of individuals who might seek to establish parentage with respect to each child. It is conceivable that this legislation could result in increased filings regarding children raised by stepparents or grandparents as well as children raised in homes with polygamous, polyandrous, polyamorous, or communal childrearing relationships. Moreover, parentage claims arising from such relationships could result in more complex--and therefore more costly--disputes in cases where Vermont recognizes more than two parents per child. Such disputes could arise with respect to decisions concerning a child's religious upbringing, education, or medical needs, and they might also complicate administration of estates in the Probate Division.

If H. 562 is enacted and signed into law, the Judiciary will continue to study the impact of this legislation on judge time, staff time, and other cost drivers. Should such a study reveal that the Judiciary is bearing unanticipated expenses attributable to this legislation, the Judiciary would seek assistance from the Legislature either modifying the law or increasing funding to address those additional costs.

Respectfully submitted,

Brian J. Grearson  
Chief Superior Judge