

H.562

An act relating to parentage proceedings

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

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

Second: In Sec.1, Title 15C, in § 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 new 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 § 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, 15C V.S.A. § 611, by adding a new subsection (c) to read as follows:

(c) A genetic specimen taken pursuant to this section shall be destroyed after final determination of the parentage case.

Eighth: 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.