

# VERMONT LEGAL AID, INC.

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**TO:** Senator Dick Sears, Chair, and Senate Committee on Judiciary

**FROM:** Sara Kagle, Staff Attorney Vermont Legal Aid

**DATE:** March 28, 2018

**RE:** **H. 562, Draft 1.1, An Act Relating to Parentage Proceedings**

Dear Senator Sears, and Members of the Senate Committee on Judiciary:

Vermont Legal Aid supports passage of the above bill, with the following changes, all of which are intended to provide protection for our clients, many of whom are biological mothers who are victims of domestic violence and sexual assault, and most of whom live in poverty.

### **Chapter 3**

Section 307(a)(2)(B): The last clause should be eliminated to minimize confusion and to allow a victim of domestic violence or sexual assault additional time to challenge a Voluntary Acknowledgement of Parentage (VAP) which has been signed by a presumed parent.

Section 308(a)(2): Allow a signatory to a VAP to challenge the VAP within a period of two (2) years, rather than one (1) year. This is consistent with the Uniform Parentage Act, and protective of our clients, who may have signed the VAP under conditions of duress.

### **Chapters 4 and 5**

Add Section 401(c) and 502(a)(2)(A), which requires a person who is asserting parentage as a presumed or de facto parent, to indicate at the outset (on the Complaint itself, which is an affidavit), whether or not they have 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.

This is information that is already permitted as evidence pursuant to the proposed legislation, in Chapters 4 (presumed parentage) and 5 (de facto parentage). Including it in the initial filing itself, allows the Judge to be aware, without a victim needing to allege it herself.

Thank you for the opportunity to testify in support of H.562.

