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H.278

Introduced by Representatives Grad of Moretown and LaLonde of South

Burlington

Referred to Committee on

Date:

Subject: Parentage; acknowledgement or denial of parentage

Statement of purpose of bill as introduced: This bill proposes to change the timing of the rescission process for an acknowledgment or denial of parentage and to clarify when the Department of Health may release various documents relating to an acknowledgment of parentage, denial of parentage, and rescission of these documents.

An act relating to acknowledgment or denial of parentage

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 15C V.S.A. § 307 is amended to read:

§ 307. TIMING OF RECISSION

(a) A person may rescind an acknowledgment of parentage or denial of parentage under this chapter by any of the following methods:

1 (1) Filing a rescission with the Department of Health within 60 days
2 after the effective date of the acknowledgment or denial. The signing of the
3 rescission shall be witnessed and signed by at least one other person.

4 (2) Commencing a court proceeding within 60 days after:
5 (A) the effective date of the acknowledgment or denial, as provided in
6 section 304 of this title; ~~or~~

7 ~~(B)~~(3) Challenging the acknowledgment or denial within the earlier
8 of 60 days after the effect date of the acknowledgement or denial or within
9 60 days after the date of the first court hearing in a proceeding in which the
10 signatory is a party to adjudicate an issue relating to the child, including a
11 proceeding seeking child support.

12 (b) If an acknowledgment or denial of parentage is rescinded under this
13 section, any associated acknowledgment or denial of parentage becomes
14 invalid, and the Department of Health shall notify the person who gave birth to
15 the child and any person who signed a an acknowledgment or denial of
16 parentage of the child that the acknowledgment or denial of parentage has been
17 rescinded. ~~Failure to give notice required by this section does not affect the~~
18 ~~validity of the rescission.~~

19 Sec. 2. 15C V.S.A. § 311 is amended to read:

20 § 311. RELEASE OF INFORMATION

1 (a) ~~The Department of Health may release information relating to an~~
2 ~~acknowledgment of parentage under section 301 of this title as provided in 18~~
3 ~~V.S.A. § 5002 shall provide the completed following forms only to the parties~~
4 ~~who signed the document, the Office of Child Support, and the Family~~
5 ~~Services Division of the Department of Children and Families:~~

- 6 (1) acknowledgment of parentage,
7 (2) voluntary acknowledgment of parentage,
8 (3) denial of parentage, and
9 (4) rescission of these documents.

10 (b) The Health Department shall release the forms to the Office of Child
11 Support only upon request and the Office of Child Support may use the forms
12 for the sole purpose of initiating a parentage or support proceeding on behalf
13 of a dependent child as defined in 33 V.S.A. § 3901.

14 (c) The Health Department shall release the forms to the Family Services
15 Division of the Department for Children and Families only upon request and
16 the Family Services Division may use the forms for the sole purpose of
17 addressing parentage or support proceedings relating to a child who is in the
18 care of the Department for Children and Families.

19 ~~Sec. 3. EFFECTIVE DATE~~

20 ~~This act shall take effect on passage.~~

Sec. 3. 15C V.S.A. § 310 is amended to read:

*§ 310. FORMS FOR VOLUNTARY ACKNOWLEDGMENT AND DENIAL
OF PARENTAGE*

(a) The Department of Health shall develop ~~an~~ a voluntary acknowledgment of parentage form and denial of parentage form for execution of parentage under this chapter.

** * **

Sec. 4. 15C V.S.A. § 708 is amended to read:

§ 708. BIRTH AND PARENTAGE ORDERS

(a) A party consenting to assisted reproduction, a person who is a parent pursuant to sections 702-704 of this title, an intended parent or parents, or the person giving birth may commence a proceeding in the Probate Division of the Superior Court to obtain an order and judgment of parentage doing any of the following:

(1) declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child;

(2) except as provided in subsection (d) of this section, sealing the record from the public to protect the privacy of the child and the parties;

(3) *designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child; or*

(4) *for any relief that the court determines necessary and proper.*

(b) *A proceeding under this section may be commenced before or after the birth of the child.*

(c) *Neither the donor, the State, nor the Department of Health is a necessary party to a proceeding under this section.*

(d) *The Probate Division of the Superior Court shall forward a certified copy of the order issued pursuant to this section to the Department of Health and to the intended parents or their representative.*

(e) *The intended parent or parents and any resulting child shall have access to the court records relating to the proceeding at any time.*

Sec. 5. 15C V.S.A. § 804 is amended to read:

§ 804. BIRTH AND PARENTAGE ORDERS

(a) *Before or after the birth of a resulting child, a party to a gestational carrier agreement may commence a proceeding in the Probate Division of the Superior Court to obtain an order and judgment of parentage doing any of the following:*

(1) *Declaring that the intended parent or parents are the parent or parents of the resulting child and ordering that parental rights and*

responsibilities vest exclusively in the intended parent or parents immediately upon the birth of the child.

(2) Declaring that the gestational carrier or her spouse, if any, are not the parents of the resulting child.

(3) Designating the contents of the birth certificate and directing the Department of Health to designate the intended parent or parents as the parent or parents of the child. The Department of Health may charge a reasonable fee for the issuance of a birth certificate.

(3)(4) Sealing the record from the public to protect the privacy of the child and the parties.

(4)(5) Providing any relief the court determines necessary and proper.

(b) Neither the State nor the Department of Health is a necessary party to a proceeding under subsection (a) of this section.

(c) The Probate Division of the Superior Court shall forward a certified copy of the order issued pursuant to this section to the Department of Health and to the intended parents or their representative.

(d) The intended parent or parents and any resulting child shall have access to their court records at any time.

Sec. 6. EFFECTIVE DATES

This section and Secs. 1–3 shall take effect on passage, and the remaining sections shall take effect on July 1, 2019.