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H.565

Introduced by Representative LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Domestic relations; desertion and support; child support enforcement

Statement of purpose of bill as introduced: This bill proposes to make a number of changes to statutes affecting child support to reflect changes elsewhere in statute and court rule.

An act relating to technical amendments to the child support statutes

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

Sec. 1. 15 V.S.A. § 293 is amended to read:

§ 293. WHEN PARENTS LIVE SEPARATELY

(a) When parents of minor children, or parents and stepparents of minor children, whether said parents are married or unmarried, are living separately, on the complaint of either parent or stepparent or, if it is a party in interest, the Department for Children and Families, the Family Division of the Superior Court may make such decree concerning parental rights and responsibilities and parent-child contact (as defined in section 664 of this title), and the support of the children, as in cases where either parent deserts or without just cause fails to support the children. Thereafter on the motion of either of the parents,

1 the stepparent, or the Department for Children and Families, the court may
2 annul, vary, or modify the decrees.

3 (b) Any legal presumption of parentage as set forth in ~~section 308 of this~~
4 title 15C V.S.A. § 401 or an unrescinded acknowledgment of parentage signed
5 by the parties and executed in accordance with 15C V.S.A. § 301 shall be
6 sufficient basis for initiating a support action under this section without any
7 further proceedings to establish parentage. If a party raises an objection to the
8 presumption, the court may determine the issue of parentage as part of the
9 support action. If no written objection to the presumption is raised, an order
10 under this section shall constitute a judgment on the issue of parentage.

11 Sec. 2. REPEAL

12 15 V.S.A. § 294 (man in the house) is repealed.

13 Sec. 3. 15 V.S.A. § 295 is amended to read:

14 § 295. SUBSTITUTE HUSBAND AND FATHER

15 When a complaint is made under section ~~292, 293 or 294~~ of this title, a
16 summons shall be issued to the other party directing ~~him to cause his~~
17 ~~appearance therein to be entered~~ such person to appear not later than 21 days
18 after the date of the service ~~thereof~~ and show cause why ~~the prayer of the~~
19 complaint should not be granted, ~~which~~ The summons and ~~the~~ complaint shall
20 be served on ~~such the~~ party as provided by ~~section 596 or by section 597 of~~
21 ~~this title~~ Rule 4 of the Vermont Rules for Family Proceedings. After the filing

1 of ~~such~~ the complaint, the Superior Court in which the cause is pending, or any
2 Superior judge, may, on application of either party make such order concerning
3 the care and custody of the minor children during the pendency of the
4 complaint, as is deemed expedient and for the benefit of such children.

5 Sec. 4. 15 V.S.A. § 780(7) is amended to read:

6 (7) “Support order” means any judgment, order, or contract for support
7 enforceable in this state, including, ~~but not limited to,~~ orders issued pursuant
8 to:

9 (A) 15 V.S.A. ~~chapter~~ chapters 5 (relating to desertion and support
10 ~~and parentage), 7 (relating to URESA) or and~~ 11 (relating to annulment and
11 divorce);

12 (B) 15B V.S.A. chapters 1–19 (relating to Uniform Interstate Family
13 Support Act); and

14 (C) 15C V.S.A. chapter’s 1–8 (relating to parentage proceedings).

15 Sec. 5. EFFECTIVE DATE

16 This act shall take effect on July 1, 2024.