

1 S.174

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; divorce; child custody and support; best interests
6 of the child

7 Statement of purpose of bill as introduced: This bill proposes to require the
8 court to consider a child's wishes in determining what is in the best interest of
9 the child in custody determinations.

10 An act relating to best interests of the child standard in custody
11 determinations

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

13 Sec. 1. 15 V.S.A. § 665 is amended to read:

14 § 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS OF
15 THE CHILD

16 * * *

17 (b) In making an order under this section, the court shall be guided by the
18 best interests of the child and shall consider at least the following factors:

1 (1) the relationship of the child with each parent and the ability and
2 disposition of each parent to provide the child with love, affection, and
3 guidance;

4 (2) the ability and disposition of each parent to ~~assure~~ ensure that the
5 child receives adequate food, clothing, medical care, other material needs, and
6 a safe environment;

7 (3) the ability and disposition of each parent to meet the child's present
8 and future developmental needs;

9 (4) the quality of the child's adjustment to the child's present housing,
10 school, and community and the potential effect of any change;

11 (5) the ability and disposition of each parent to foster a positive
12 relationship and frequent and continuing contact with the other parent,
13 including physical contact, except where contact will result in harm to the child
14 or to a parent;

15 (6) the quality of the child's relationship with the primary care provider,
16 if appropriate given the child's age and development;

17 (7) the relationship of the child with any other person who may
18 significantly affect the child;

19 (8) the ability and disposition of the parents to communicate, cooperate
20 with each other, and make joint decisions concerning the children where
21 parental rights and responsibilities are to be shared or divided; ~~and~~

