

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 745  
3 entitled “An act relating to the Vermont Parentage Act” respectfully reports  
4 that it has considered the same and recommends that the Senate propose to the  
5 House that the bill be amended as follows:

6 First: By adding a new section to be Sec. 11a to read as follows:

7 Sec. 11a. 15C V.S.A. § 802(f) is added to read:

8 (f) A surrogacy agreement that substantially complies with this section and  
9 section 801 of this title is enforceable.

10 Second: By adding five new sections to be Secs. 13a–e to read as follows:

11 Sec. 13a. 15 V.S.A. § 293 is amended to read:

12 § 293. WHEN PARENTS LIVE SEPARATELY

13 (a) When parents of minor children, or parents and stepparents of minor  
14 children, whether said parents are married or unmarried, are living separately,  
15 on the complaint of either parent or stepparent or, if it is a party in interest, the  
16 Department for Children and Families, the Family Division of the Superior  
17 Court may make such decree concerning parental rights and responsibilities  
18 and parent-child contact (as defined in section 664 of this title), and the support  
19 of the children, as in cases where either parent deserts or without just cause  
20 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. 13b. REPEAL

12 15 V.S.A. § 294 (man in the house) is repealed.

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

14 § 295. ~~SUBSTITUTE HUSBAND AND FATHER~~ SERVICE OF  
15 COMPLAINT

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

1 ~~this title~~ Rule 4.0 of the Vermont Rules for Family Proceedings. After the  
2 filing of ~~such~~ the complaint, the Superior Court in which the cause is pending,  
3 or any Superior judge, may, on application of either party make such order  
4 concerning the care and custody of the minor children during the pendency of  
5 the complaint, as is deemed expedient and for the benefit of such children.

6 Sec. 13d. 15 V.S.A. § 780(7) is amended to read:

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

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

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

15 (C) 15C V.S.A. chapters 1–8 (relating to parentage proceedings).

16 Sec. 13e. 15C V.S.A. § 808(a) is amended to read:

17 (a) Not enforceable. A gestational carrier agreement that does not  
18 substantially meet the requirements of this chapter is not enforceable.

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE