

# Journal of the House

Thursday, February 22, 2024

At three o'clock in the afternoon, **Rep. Long of Newfane** called the House to order.

## Devotional Exercises

Devotional exercises were conducted by Rep. Michelle Bos-Lun of Westminster.

## Bill Referred to Committee on Appropriations

**H. 289**

House bill, entitled

An act relating to the Renewable Energy Standard

Appearing on the Notice Calendar, and pursuant to House Rule 35(a), carrying an appropriation, was referred to the Committee on Appropriations.

## Ceremonial Reading

**H.C.R. 158**

House concurrent resolution designating February 22, 2024 as Age Strong Vermont Day at the State House

Offered by: Representatives Noyes of Wolcott, Arsenault of Williston, Birong of Vergennes, Bos-Lun of Westminster, Boyden of Cambridge, Brown of Richmond, Brumsted of Shelburne, Buss of Woodstock, Campbell of St. Johnsbury, Carpenter of Hyde Park, Chapin of East Montpelier, Chase of Chester, Cole of Hartford, Dolan of Essex Junction, Farlice-Rubio of Barnet, Garofano of Essex, Goldman of Rockingham, Gregoire of Fairfield, Hooper of Burlington, Hyman of South Burlington, Lalley of Shelburne, Masland of Thetford, McFaun of Barre Town, McGill of Bridport, Mrowicki of Putney, Ode of Burlington, Pajala of Londonderry, Rachelson of Burlington, Rice of Dorset, Stebbins of Burlington, Whitman of Bennington, Williams of Barre City, and Wood of Waterbury

Whereas, according to the latest American Community Survey estimate, nearly 30 percent of the State's population is at least 60 years of age, and these Vermonters face increased risk of financial insecurity, social isolation, and chronic disease, and

Whereas, this demographic reality presents challenges, but it also presents opportunities to re-envision aging, to capitalize on the diverse experiences of older Vermonters, and to ensure that they contribute to the State's vibrancy, and

Whereas, in 2020 Acts and Resolves No. 156, known as the Older Vermonters Act, in Sec. 3(b), the General Assembly directed that a plan be developed to "provide strategies and cultivate partnerships for implementation across sectors to promote aging with...dignity [and]...to establish and maintain an age-friendly State for all Vermonters," and

Whereas, on January 29, 2024, the Age Strong VT Advisory Committee approved a final plan entitled *Age Strong VT, Our Roadmap for an Age-Friendly State*, which presents a 10-year vision that addresses Vermont's changing age demographics, and the plan focuses on seven areas: affordable aging, healthy aging for all, social connection, infrastructure for the future, elder justice, family caregiver support, and strengthening systems of support, and

Whereas, according to the University of Vermont's Center for Rural Studies' 2023 Vermonter Poll, 64.2 percent of the respondents did not believe Vermont had adequate resources to address the needs of the State's older residents, and 81 percent concurred that it was important to create a 10-year action plan for the support of an age-friendly State, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly designates February 22, 2024 as Age Strong Vermont Day at the State House, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to Governor Philip B. Scott, the Commissioner of Health, and the Commissioner of Disabilities, Aging, and Independent Living.

Having been adopted in concurrence on Friday, February 16, 2024 in accord with Joint Rule 16b, was read.

### **Ceremonial Reading**

#### **H.C.R. 159**

House concurrent resolution congratulating the Vermont State Employees' Association on its 80th anniversary

Offered by: Representatives Oliver of Sheldon, Garofano of Essex, and Hooper of Burlington

Whereas, in 1944, a group of State of Vermont employees formed the Vermont State Employees' Association (VSEA) to advocate before the General Assembly on behalf of their colleagues, and

Whereas, during the first quarter century of the organization's existence, the VSEA, bereft of any state employee collective bargaining rights, was unable to negotiate directly with State officials on any aspect of State employment, and

Whereas, the first breakthrough on this challenge was the enactment of the State Employees Labor Relations Act, 1969 Acts and Resolves No. 113, Sec. 1, which authorized collective bargaining on working conditions but, with respect to wages and salary schedules, only "to the extent they are inconsistent with rates prevailing in commerce and industry for comparable work within the state," and

Whereas, the VSEA continued to advocate for full collective bargaining rights with respect to compensation, and, in 1977 Acts and Resolves No. 109, Sec. 5, the General Assembly established these rights for this fundamental employment element, and

Whereas, over the decades, the VSEA has expanded the scope of its employee representation to include nine bargaining units that now encompass corrections, the Defender General, a housing authority unit, the Judiciary, a nonmanagement unit, the State's Attorney's office, the State deputy sheriffs, supervisory employees, and the Vermont State Colleges, and

Whereas, the VSEA is governed through its Board of Trustees and, ultimately, the over 120-member VSEA Council, and it is organized into 14 regional chapters plus two specialized chapters, one for retirees and a second for the Vermont State Hospital, and

Whereas, the nearly 6,000-member VSEA is a proudly independent organization focused exclusively on advocating and bargaining for the best interests and economic well-being of Vermont State employees, and it vigorously pursues these objectives, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates the Vermont State Employees' Association on its 80th anniversary, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the VSEA.

Having been adopted in concurrence on Friday, February 16, 2024 in accord with Joint Rule 16b, was read.

**Committee Bill; Second Reading; Third Reading Ordered****H. 861**

**Rep. Carpenter of Hyde Park** spoke for the Committee on Health Care.

House bill, entitled

An act relating to reimbursement parity for health care services delivered in person, by telemedicine, and by audio-only telephone

Having appeared on the Notice Calendar and appearing on the Action Calendar, was taken up, read the second time, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered****H. 132**

**Rep. Stevens of Waterbury**, for the Committee on General and Housing, to which had been referred House bill, entitled

An act relating to establishing a homeless bill of rights and prohibiting discrimination against persons without homes

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

\* \* \*

(12)(A) “Harass” means to engage in unwelcome conduct that detracts from, undermines, or interferes with a person’s:

(i) use of a place of public accommodation or any of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of the person’s race, creed, color, national origin, housing status, marital status, sex, sexual orientation, gender identity, or disability; or

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person’s race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

\* \* \*

(13) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 2. 9 V.S.A. § 4502 is amended to read:

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of ~~such~~ an owner or operator shall not, because of the race, creed, color, national origin, housing status, marital status, sex, sexual orientation, or gender identity of any person, refuse, withhold from, or deny to that person any of the accommodations, advantages, facilities, and privileges of the place of public accommodation.

\* \* \*

Sec. 3. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

(1) To refuse to sell or rent, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or other real estate to any person because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(2) To discriminate against, or to harass, any person in the terms, conditions, privileges, and protections of the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or other real estate that indicates any preference, limitation, or discrimination based on race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national

---

origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(4) To represent to any person because of the race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, that any dwelling or other real estate is not available for inspection, sale, or rental when the dwelling or real estate is in fact so available.

\* \* \*

(7) To engage in blockbusting practices, for profit, ~~which~~ that may include inducing or attempting to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person intends to occupy a dwelling with one or more minor children, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

(8) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, or disability of a person, or because a person is a recipient of public assistance, or because a person is a victim of abuse, sexual assault, or stalking.

\* \* \*

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, housing status, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, or because a person is a victim of abuse, sexual assault, or stalking, except as otherwise provided by law.

\* \* \*

Sec. 4. 10 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meaning:

\* \* \*

(11) “Persons and families of low and moderate income” means persons and families irrespective of race, creed, national origin, sex, sexual orientation, housing status, or gender identity deemed by the Agency to require such assistance as is made available by this chapter on account of insufficient personal or family income, taking into consideration, without limitation, such factors as:

\* \* \*

(20) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 5. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, housing status, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

(1) For any employer, employment agency, or labor organization to harass or discriminate against any individual because of race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

(2) For any person seeking employees or for any employment agency or labor organization to cause to be printed, published, or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, age, or disability.

(3) For any employment agency to fail or refuse to classify properly or refer for employment or to otherwise harass or discriminate against any individual because of race, color, religion, ancestry, national origin, housing

status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

(4) For any labor organization to limit, segregate, or qualify its membership with respect to any individual because of race, color, religion, ancestry, national origin, housing status, sex, sexual orientation, gender identity, place of birth, crime victim status, or age or against a qualified individual with a disability.

\* \* \*

Sec. 6. 21 V.S.A. § 495d is amended to read:

§ 495d. DEFINITIONS

As used in this subchapter:

\* \* \*

(16) “Harass” means to engage in unwelcome conduct based on an employee’s race, color, religion, national origin, housing status, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition that interferes with the employee’s work or creates a work environment that is intimidating, hostile, or offensive. In determining whether conduct constitutes harassment:

\* \* \*

(17) “Housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

Sec. 7. 33 V.S.A. § 101 is amended to read:

§ 101. POLICY

It is the policy of the State of Vermont that:

\* \* \*

(3)(A) Assistance and benefits shall be administered promptly, with due regard for the preservation of family life, and without restriction of individual rights or discrimination on account of race, religion, political affiliation, housing status, or place of residence within the State.

(B) As used in this subdivision (3), “housing status” means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person, as defined in 42 U.S.C. § 11302.

\* \* \*



## Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

and that after passage the title of the bill be amended to read: “An act relating to prohibiting discrimination against persons without homes”

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on General and Housing agreed to, and third reading ordered.

**Second Reading; Bill Amended; Third Reading Ordered****H. 745**

**Rep. Goslant of Northfield**, for the Committee on Judiciary, to which had been referred House bill, entitled

An act relating to the Vermont Parentage Act

Reported in favor of its passage when amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15C V.S.A. § 102 is amended to read:

## § 102. DEFINITIONS

As used in this title:

(1) “Acknowledged parent” means a person who has established a parent-child relationship under chapter 3 of this title.

(2) “Adjudicated parent” means a person who has been adjudicated by a court of competent jurisdiction to be a parent of a child.

(3) “Alleged genetic parent” means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:

(A) a presumed parent;

(B) a person whose parental rights have been terminated or declared not to exist; or

(C) a donor.

(4) “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse and includes:

(A) intrauterine, intracervical, or vaginal insemination;

(B) donation of gametes;

- 
- (C) donation of embryos;
- (D) in vitro fertilization and transfer of embryos; and
- (E) intracytoplasmic sperm injection.
- (5) “Birth” includes stillbirth.
- (6) “Child” means a person of any age whose parentage may be determined under this title.
- (7) “Domestic assault” includes any offense as set forth in 13 V.S.A. chapter 19, subchapter 6 (domestic assault).
- (8) “Donor” means a person who contributes a gamete or gametes or an embryo or embryos to another person for assisted reproduction or gestation, whether or not for consideration. This term does not include:
- (A) a person who gives birth to a child conceived by assisted reproduction except as otherwise provided in chapter 8 of this title; or
- (B) a parent under chapter 7 of this title or an intended parent under chapter 8 of this title.
- (9) “Embryo” means a cell or group of cells containing a diploid complement of chromosomes or a group of such cells, not including a gamete, that has the potential to develop into a live born human being if transferred into the body of a person under conditions in which gestation may be reasonably expected to occur.
- (10) “Gamete” means a sperm, ~~an egg, or any part of a sperm or egg.~~
- (11) “Genetic population group” means, for purposes of genetic testing, a recognized group that a person identifies as all or part of the person’s ancestry or that is so identified by other information.
- (12) “Gestational carrier” means an adult person who is not an intended parent and who enters into a gestational carrier agreement to bear a child conceived using the gametes of other persons and not the gestational carrier’s own, except that a person who carries a child for a family member using the gestational carrier’s own gametes and who fulfills the requirements of chapter 8 of this title is a gestational carrier.
- (13) “Gestational carrier agreement” means a contract between an intended parent or parents and a gestational carrier intended to result in a live birth.
- (14) “Intended parent” means a person, whether married or unmarried, who manifests the intent to be legally bound as a parent of a child resulting from assisted reproduction or a gestational carrier agreement.

(15) “Marriage” includes civil union and any legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

(16) “Parent” means a person who has established parentage that meets the requirements of this title.

(17) “Parentage” means the legal relationship between a child and a parent as established under this title.

(18) “Presumed parent” means a person who is recognized as the parent of a child under section 401 of this title.

(19) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(20) “Sexual assault” includes sexual assault as provided in 13 V.S.A. § 3252(a), (b), (d), and (e); aggravated sexual assault as provided in 13 V.S.A. § 3253; aggravated sexual assault of a child as provided in 13 V.S.A. § 3253a; lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602; and similar offenses in other jurisdictions.

(21) “Sexual exploitation” includes sexual exploitation of an inmate as provided in 13 V.S.A. § 3257, sexual exploitation of a minor as provided in 13 V.S.A. § 3258, sexual abuse of a vulnerable adult as provided in 13 V.S.A. § 1379, and similar offenses in other jurisdictions.

(22) “Sign” means, with the intent to authenticate or adopt a record, to:

(A) execute or adopt a tangible symbol; or

(B) attach to or logically associate with the record an electronic symbol, sound, or process.

(23) “Signatory” means a person who signs a record and is bound by its terms.

(24) “Spouse” includes a partner in a civil union or a partner in a legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

Sec. 2. 15C V.S.A. § 104 is amended to read:

#### § 104. PARENTAGE PROCEEDING

(a) Proceeding authorized. A proceeding to adjudicate the parentage of a child shall be maintained in accordance with this title and with the Vermont

Rules for Family Proceedings, except that proceedings for birth orders under sections 708 and 804 of this title shall be maintained in accordance with the Vermont Rules of Probate Procedure.

(b) Actions brought by the Office of Child Support. If the complaint is brought by the Office of Child Support, the complaint shall be accompanied by an affidavit of the parent whose rights have been assigned. In cases where the assignor is not a genetic parent or is a genetic parent who refuses to provide an affidavit, the affidavit may be submitted by the Office of Child Support, but the affidavit alone shall not support a default judgment on the issue of parentage.

(c) Original actions. Original actions to adjudicate parentage may be commenced in the Family Division of the Superior Court, except that proceedings for birth orders under sections 708 and 804 of this title shall be commenced in the Probate Division of the Superior Court.

(d) No right to jury. There shall be no right to a jury trial in an action to determine parentage.

(e) Disclosure of Social Security numbers. A person who is a party to a parentage action shall disclose that person's Social Security number, if the person has one, to the court. The Social Security number of a person subject to a parentage adjudication shall be placed in the court records relating to the adjudication. The court shall disclose a person's Social Security number to the Office of Child Support.

Sec. 3. 15C V.S.A. § 206 is amended to read:

#### § 206. ADJUDICATING COMPETING CLAIMS OF PARENTAGE

(a) Competing claims of parentage. Except as otherwise provided in section 616 of this title, in a proceeding to adjudicate competing claims of parentage or challenges to a child's parentage by two or more persons, the court shall adjudicate parentage in the best interests of the child, based on the following factors:

- (1) the age of the child;
- (2) the length of time during which each person assumed the role of parent of the child;
- (3) the nature of the relationship between the child and each person;
- (4) the harm to the child if the relationship between the child and each person is not recognized;
- (5) the basis for each person's claim to parentage of the child; and

(6) other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

(b) Preservation of parent-child relationship. Consistent with the establishment of parentage under this chapter, a court may determine that a child has more than two parents if the court finds that it is in the best interests of the child to do so. A finding of best interests of the child under this subsection does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. A determination of best interests may include consideration of evidence of prebirth intent to parent the child.

Sec. 4. 15C V.S.A. § 402 is amended to read:

§ 402. CHALLENGE TO PRESUMED PARENT

(a) Except as provided in ~~subsection (b)~~ subsections (b) – (d) of this section, a proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title shall be commenced within two years after the birth of the child.

(b) A proceeding to challenge the parentage of a person whose parentage is presumed under section 401 of this title may be commenced two years or more after the birth of the child in any of the following circumstances:

(1) ~~A presumed parent who is not the genetic parent of a child and who could not reasonably have known about the birth of the child may commence a proceeding under this section within two years after learning of the child's birth~~ The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child.

(2) An alleged genetic parent who did not know of the potential genetic parentage of a child and who could not reasonably have known on account of material misrepresentation or concealment may commence a proceeding under this section within two years after discovering the potential genetic parentage. If the person is adjudicated to be the genetic parent of the child, the court shall not disestablish a presumed parent.

(3) The child has more than one presumed parent.

(c) Subject to the limitations set forth in this section and in section 401 of this title, if in a proceeding to adjudicate a presumed parent's parentage of a child another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage pursuant to subsections 206(a) and (b) of this title.

(d) Regarding a presumption under subdivision 401(a)(4) of this title, another parent of the child may challenge a presumption of parentage if that parent openly held out the child as the presumptive parent's child due to

duress, coercion, or threat of harm. Evidence of duress, coercion, or threat of harm may include whether within the prior ~~ten~~ 10 years, the person presumed to be a parent pursuant to subdivision 401(a)(4) of this title has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child;<sup>2</sup> was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child;<sup>2</sup> or was substantiated for abuse against the child or another parent of the child pursuant to 33 V.S.A. chapter 49 or 33 V.S.A. chapter 69.

Sec. 5. 15C V.S.A. § 402a is added to read:

§ 402a. ADJUDICATION OF PARENTAGE IF BIRTH PARENT ONLY

OTHER PARENT

The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth is the only other person with a claim to parentage of the child:

(1) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(2) If the presumed parent is identified under subsection 604(a) of this title as a genetic parent of the child and that identification is not successfully challenged under said subsection, the court shall adjudicate the presumed parent to be a parent of the child.

(3) If the presumed parent is not identified under subsection 604(a) of this title as a genetic parent of the child and the presumed parent or another party challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interests of the child, based on the factors listed in subsections 206(a) and (b) of this title. Challenges regarding the parentage of a child born through assisted reproduction must be resolved under chapter 7 of this title.

Sec. 6. 15C V.S.A. § 501 is amended to read:

§ 501. STANDARD; ADJUDICATION

(a)(1) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(A) the person resided with the child as a regular member of the child's household for a significant period of time;

(B) the person engaged in consistent caretaking of the child;

(C) the person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(D) the person held out the child as the person's child;

(E) the person established a bonded and dependent relationship with the child that is parental in nature;

(F) the person and another parent of the child fostered or supported the bonded and dependent relationship required under subdivision (E) of this subdivision (1); and

(G) continuing the relationship between the person and the child is in the best interests of the child.

(2) A parent of the child may use evidence of duress, coercion, or threat of harm to contest an allegation that the parent fostered or supported a bonded and dependent relationship as provided in subdivision (1)(F) of this subsection. Such evidence may include whether within the prior ~~ten~~ 10 years, the person seeking to be adjudicated a de facto parent has been convicted of domestic assault, sexual assault, or sexual exploitation of the child or another parent of the child, was subject to a final abuse protection order pursuant to 15 V.S.A. chapter 21 because the person was found to have committed abuse against the child or another parent of the child, or was substantiated for abuse against the child or another parent of the child pursuant to 33 V.S.A. chapter 49 or 33 V.S.A. chapter 69.

(b) In a proceeding to adjudicate the parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection (a) of this section are met by clear and convincing evidence, the court shall adjudicate parentage under ~~section 206~~ subsection 206(b) of this title, subject to other applicable limitations in this title.

(c) The adjudication of a person as a de facto parent under this chapter does not disestablish the parentage of any other parent.

Sec. 7. 15C V.S.A. § 704 is amended to read:

#### § 704. CONSENT TO ASSISTED REPRODUCTION

(a)(1) A person who intends to be a parent of a child born through assisted reproduction shall consent ~~to such in a signed record that is executed by each~~

~~intended parent and provides that the signatories consent to the use of assisted reproduction to conceive a child with the intent to parent the child.:~~

~~(1) in a record, signed before, on, or after the birth of the child by the person who gave birth to the child and by a person who intends to be a parent of the child; or~~

~~(2) Consent pursuant to subdivision (1) of this subsection, executed via a form made available by the Department of Health, shall be accepted and relied upon for purposes of issuing a birth record in an oral agreement entered into before conception that the person who gave birth to the child and the person who intends to be a parent of the child intend that they will be parents of the child.~~

~~(b) In the absence of a record evidence pursuant to subsection (a) of this section, a court may adjudicate a person as the parent of a child if it finds by a preponderance of the evidence that:~~

~~(1) prior to conception or birth of the child, the parties entered into an agreement that they both intended to be the parents of the child; or~~

~~(2) the person resided with the child after birth and undertook to develop a parental relationship with the child.~~

Sec. 8. 15C V.S.A. § 705(a) is amended to read:

(a) Except as otherwise provided in subsection (b) of this section, a spouse may commence a proceeding to challenge ~~his or her~~ the spouse's parentage of a child born by assisted reproduction during the marriage within two years after the birth of the child if the court finds that the spouse did not consent to the assisted reproduction before, on, or after the birth of the child or that the spouse withdrew consent pursuant to section 706 of this title.

Sec. 9. 15C V.S.A. § 706 is amended to read:

#### § 706. EFFECT OF DISSOLUTION OF MARRIAGE OR WITHDRAWAL

##### OF CONSENT

(a)(1) If a marriage is dissolved before transfer or implantation of gametes or embryos, the former spouse is not a parent of the resulting child unless the former spouse consented in a signed record with notice to the other spouse and the person giving birth that, if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.

(2) A person who has petitioned for divorce, or a person who has been served with a complaint for divorce, may proceed with assisted reproduction pursuant to this subsection, provided at least 60 days have elapsed since service of the complaint. In such case, the spouse shall not be a parent of any



child born as a result of the assisted reproduction unless both parties consent in writing to be parents of that child after commencement of the divorce action. A married person proceeding with assisted reproduction pursuant to this section shall not utilize gametes of the person's spouse unless the spouse consents in writing to the use of the spouse's gametes for assisted reproduction by the married person after filing of the divorce petition.

(b) Consent of a person to assisted reproduction pursuant to section 704 of this title may be withdrawn by that person in a signed record with notice to the person giving birth and any other intended parent before transfer or implantation of gametes or embryos. A person who withdraws consent under this subsection is not a parent of the resulting child.

Sec. 10. 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. If the court determines a person is a parent of the child either because the person gave birth to the child or the person is a consenting intended parent, the court shall adjudicate the person to be a parent 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.

(f) An uncontested petition for a judgment of parentage pursuant to this section shall be resolved by the court promptly.

Sec. 11. 15C V.S.A. § 801 is amended to read:

§ 801. ELIGIBILITY TO ENTER GESTATIONAL CARRIER  
AGREEMENT

(a) In order to execute an agreement to act as a gestational carrier, a person shall:

(1) be at least 21 years of age;

(2) have completed a medical evaluation that includes a mental health consultation;

(3) have had independent legal representation of the person's own choosing and paid for by the intended parent or parents regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement; and

(4) not have contributed gametes that will ultimately result in an embryo that the gestational carrier will attempt to carry to term, unless the gestational carrier is entering into an agreement with a family member.

(b) Prior to executing a gestational carrier agreement, a person or persons intending to become a parent or parents, whether genetically related to the child or not, shall:

(1) be at least 21 years of age;

(2) have completed ~~a medical evaluation and mental health consultation~~ psychosocial education and counseling related to the gestational carrier agreement; and

(3) have retained independent legal representation regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

Sec. 12. 15C V.S.A. § 803 is amended to read:

§ 803. PARENTAGE; PARENTAL RIGHTS AND RESPONSIBILITIES

(a)(1) If a gestational carrier agreement satisfies the requirements of this chapter, the intended parent or parents are the parent or parents of the resulting child immediately upon the birth of the child, and the resulting child is considered the child of the intended parent or parents immediately upon the birth of the child. Neither the gestational carrier nor the gestational carrier's spouse, if any, is the parent of the resulting child.

(2) A person who is determined to be a parent of the resulting child is obligated to support the child. The breach of the gestational carrier agreement by the intended parent or parents does not relieve the intended parent or parents of the obligation to support the resulting child.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, if genetic testing indicates a genetic relationship between the gestational carrier who is not a known family member and the child, parentage shall be determined by the Family Division of the Superior Court pursuant to chapters 1 through 6 of this title.

(b) Parental rights and responsibilities shall vest exclusively in the intended parent or parents immediately upon the birth of the resulting child.

(c) If due to a laboratory error, the resulting child is not genetically related to either the intended parent or parents or any donor who donated to the intended parent or parents, the intended parent or parents are considered the parent or parents of the child unless otherwise determined by the court.

Sec. 13. 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~~ the carrier's 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.

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

(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.

(e) An uncontested petition for a judgment of parentage pursuant to this section shall be resolved by the court promptly.

#### Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, report of the Committee on Judiciary agreed to, and third reading ordered.

#### Message from the Governor

A message was received from His Excellency, the Governor, by Ms. Brittney L. Wilson, Secretary of Civil and Military Affairs, as follows:

Madam Speaker:

I am directed by the Governor to inform the House of Representatives that on the 22nd day of February 2024, he signed a bill originating in the House of the following title:

**H. 850 An act relating to transitioning education financing to the new system for pupil weighting**

#### Adjournment

At four o'clock and two minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at nine o'clock and thirty minutes in the forenoon.