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H.163

Introduced by Representatives Masland of Thetford, Briglin of Thetford,
Christie of Hartford, McCullough of Williston, Olsen of
Londonderry, Russell of Rutland City, and Till of Jericho

Referred to Committee on

Date:

Subject: Domestic relations; divorce; parental rights and responsibilities

Statement of purpose of bill as introduced: This bill proposes to create a
rebuttable presumption that shared parental rights and responsibilities are in
the best interests of the child. A court would be permitted to order sole rights
and responsibilities to one parent, but would not be required to do so in cases
where the parents could not agree.

An act relating to shared parental rights and responsibilities

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

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

§ 665. RIGHTS AND RESPONSIBILITIES ORDER; BEST INTERESTS OF

THE CHILD

(a) In an action under this chapter, the Court shall make an order
concerning parental rights and responsibilities of any minor child of the
parties. There shall be a rebuttable presumption that shared parental rights and

1 responsibilities are in the best interests of the child. The Court may order
2 parental rights and responsibilities to be divided or shared between the parents
3 on such terms and conditions as serve the best interests of the child. When the
4 parents cannot agree to divide or share parental rights and responsibilities, the
5 Court ~~shall~~ may award parental rights and responsibilities primarily or solely to
6 one parent.

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

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

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

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

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

19 (5) the ability and disposition of each parent to foster a positive
20 relationship and frequent and continuing contact with the other parent,

1 including physical contact, except where contact will result in harm to the child
2 or to a parent;

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

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

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

10 (9) evidence of abuse, as defined in section 1101 of this title, and the
11 impact of the abuse on the child and on the relationship between the child and
12 the abusing parent.

13 * * *

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2015.