

1 H.419

2 Introduced by Representative Lippert of Hinesburg

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; civil unions; dissolution

6 Statement of purpose: This bill proposes to provide access to a civil union
7 dissolution to nonresident couples joined in a Vermont civil union who are
8 legally barred from dissolving the union in their state of residence, provided
9 that the parties file a stipulation outlining an agreement executed by both
10 parties that sets out the terms and conditions of resolution for all issues in the
11 dissolution action.

12 An act relating to a process for an uncontested dissolution of a civil union
13 between parties who are nonresidents

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

15 Sec. 1. LEGISLATIVE INTENT

16 (a) On July 1, 2000, Vermont became the first state to provide same-sex
17 couples the opportunity to obtain the same benefits and protections afforded by
18 state law to married opposite-sex couples by enacting civil unions.

1 (b) Today, the United States is a patchwork of laws regarding the
2 recognition of legally joined same-sex couples. While several states now
3 recognize civil unions and same-sex marriage, most do not.

4 (c) Vermont law requires a person to have resided in Vermont for at least
5 six months prior to filing a complaint for an annulment or divorce. This
6 long-standing rule is commonplace among the states, and prevents parties from
7 choosing a jurisdiction most likely to provide a favorable judgment. When
8 civil unions were established in 2000, the legislature paralleled civil unions
9 laws to the marriage laws, including the residency requirement. However,
10 while an opposite sex out-of-state couple who marries in Vermont can get
11 divorced in the state of residence of either party, most out-of-state couples
12 joined in a Vermont civil union do not have this option.

13 (d) It is the intent of the general assembly in this act to provide access to a
14 civil union dissolution to nonresident couples joined in a Vermont civil union
15 who are legally barred from dissolving the union in their state of residence,
16 provided that the parties file a stipulation outlining an agreement executed by
17 both parties that sets out the terms and conditions of resolution for all issues in
18 the dissolution action.

1 Sec. 2. 15 V.S.A. § 1206 is amended to read:

2 § 1206. DISSOLUTION OF CIVIL UNIONS

3 (a) The family division of the superior court shall have jurisdiction over all
4 proceedings relating to the dissolution of civil unions. The dissolution of civil
5 unions shall follow the same procedures and be subject to the same substantive
6 rights and obligations that are involved in the dissolution of civil marriage in
7 accordance with chapter 11 of this title, including any residency requirements
8 except as provided in subsection (b) of this section.

9 (b) Parties to a civil union that was celebrated in Vermont who do not meet
10 the residency requirements under section 592 of this title may file a complaint
11 for an uncontested dissolution provided that the parties do not have minor
12 children for whom parental rights and responsibilities must be determined.
13 The parties shall not be entitled to a hearing, but shall file a stipulation
14 outlining an agreement executed by both parties that sets out the terms and
15 conditions of resolution for all issues in the dissolution action. The stipulation
16 shall also specifically state:

17 (1) That terms and conditions of the stipulation may be incorporated by
18 the court in its final order.

19 (2) That both parties are aware:

20 (A) That as nonresidents of Vermont, they are not entitled to a
21 hearing on the matter of the dissolution.

1 (B) That if either of the parties wishes to litigate any matters related
2 to the Vermont civil union before a Vermont court, one of the parties must be a
3 resident of Vermont for a period of at least six months prior to filing a
4 complaint.

5 (3) That neither party is the subject of an abuse prevention order in a
6 proceeding between the parties.

7 (4) That no children were born or adopted during the civil union for
8 whom parental rights and responsibilities must be determined.

9 (5) That neither party's state of legal residence recognizes the couple's
10 Vermont civil union for purposes of dissolution.

11 (6) The facts upon which the court may base a decree of dissolution of a
12 civil union and that bring the matter before the court's jurisdiction.

13 (7) That each party is entering the stipulation freely and voluntarily.

14 (8) That the parties have exchanged all financial information, including
15 income, assets, and liabilities.

16 Sec. 3. 15 V.S.A. § 593(a) is amended to read:

17 (a) Complaints for divorce for any cause and for affirming or annulling the
18 civil marriage contract shall be brought in the county in which the parties or
19 one of them resides. Complaints for dissolution of a Vermont civil union when
20 neither of the parties resides in Vermont shall be brought in Washington
21 County. Petitions directed to a superior judge for temporary orders under the

1 provisions of Vermont Rule of Civil Procedure 80(c) may be heard within or
2 without the county where such cause is pending at such place as shall be
3 convenient for the parties and the judge hearing the same.

4 Sec. 4. REPORT

5 (a) The office of legislative council, with the assistance of the judiciary,
6 shall examine:

7 (1) how to provide nonresidents with a Vermont civil union access to
8 Vermont courts for the purpose of granting a dissolution in cases in which
9 issues are contested or parental rights and responsibilities are involved or both.

10 (2) how to provide nonresidents with a Vermont marriage access to
11 Vermont courts for the purpose of granting a divorce if the state of residence
12 for the parties does not recognize the marriage for purposes of granting a
13 divorce.

14 (b) Legislative council shall report to the house and senate committees on
15 judiciary no later than December 1, 2011.

16 Sec. 5. EFFECTIVE DATE

17 This act shall take effect on September 1, 2011.