

1 S.34

2 Introduced by Senators Benning, Collamore, McCormack, McNeil, and Parent

3 Referred to Committee on

4 Date:

5 Subject: Domestic relations; divorce; parental rights and responsibilities

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

11 An act relating to shared parental rights and responsibilities

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 (a) In an action under this chapter, the court shall make an order concerning
17 parental rights and responsibilities of any minor child of the parties. The court
18 may order parental rights and responsibilities to be divided or shared between
19 the parents on such terms and conditions as serve the best interests of the child.

20 There shall be a rebuttable presumption that shared parental rights and

1 responsibilities are in the best interests of the child. When the parents cannot
2 agree to divide or share parental rights and responsibilities, the court ~~shall~~ may
3 award parental rights and responsibilities primarily or solely to one parent.

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

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

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

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

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

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

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

