

1 S.49

2 Introduced by Senators Ashe and Sears

3 Referred to Committee on

4 Date:

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

7 Statement of purpose: This bill proposes to permit a parent to petition the
8 court for permanent sole custody of a child who was conceived as a result of a
9 sexual assault.

10 An act relating to parental rights and responsibilities involving a child
11 conceived as a result of a sexual assault

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

13 Sec. 1. 15 V.S.A. § 665b is added to read:

14 § 665b. PETITION FOR SOLE PARENTAL RIGHTS AND

15 RESPONSIBILITIES IN CASES OF SEXUAL ASSAULT

16 (a) Upon motion of a parent, the court may award that parent permanent
17 sole parental rights and responsibilities if the court determines by clear and
18 convincing evidence that the child was conceived as a result of a sexual assault
19 in which the moving parent was the victim and the nonmoving parent was the
20 perpetrator of the assault.

1 (b) A conviction of an offense in 13 V.S.A. chapter 72 or a similar offense
2 in another jurisdiction shall be sufficient evidence of a sexual assault for
3 purposes of this section; however, a conviction is not required and the court
4 may consider other evidence of a sexual assault in making its determination.

5 (c) An order issued in accordance with this section shall be permanent and
6 shall not be subject to modification.

7 (d) A court shall not issue a parent-child contact order in a case in which a
8 rights and responsibilities order has been issued in accordance with this
9 section. An existing parent-child contact order shall be terminated upon the
10 issuance of a rights and responsibilities order issued in accordance with this
11 section.

12 (e) Issuance of an order in accordance with this section shall not affect the
13 right of the custodial parent or the state to seek child support from the
14 noncustodial parent.

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on July 1, 2013.