

1 Introduced by Representative Masland of Thetford
2 Referred to Committee on
3 Date:
4 Subject: Domestic relations; annulment and divorce; child custody and support
5 Statement of purpose of bill as introduced: This bill proposes to declare that it
6 is the public policy of the state to encourage parents to share in the rights and
7 responsibilities of raising their children after their parents have separated or
8 divorced; to create a rebuttable presumption that shared parental rights and
9 responsibilities are in the best interests of the child; and to amend the factors a
10 court considers in determining the best interests of a child.

11 An act relating to 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. § 650 is amended to read:

14 § 650. LEGISLATIVE FINDINGS AND PURPOSE

15 The legislature finds and declares as public policy ~~that after parents have~~
16 ~~separated or dissolved their civil marriage,~~ it is in the best interests of ~~their~~
17 ~~minor child~~ children to have ~~the opportunity for~~ maximum continuing physical
18 and emotional contact with both parents and to encourage parents to share in
19 the rights and responsibilities of raising their children after their parents have
20 separated or divorced, unless direct physical harm or significant emotional

1 harm to the child or a parent is likely to result from such contact. The
2 legislature further finds and declares as public policy that parents have the
3 responsibility to provide child support, and that child support orders should
4 reflect the true costs of raising children and approximate insofar as possible the
5 standard of living the child would have enjoyed had the family remained intact.

6 Sec. 2. 15 V.S.A. § 664 is amended to read:

7 § 664. DEFINITIONS

8 As used in this subchapter:

9 (4) “Parental rights and responsibilities” means the rights and
10 responsibilities related to a child’s physical living arrangements, parent child
11 contact, education, medical and dental care, religion, travel and any other
12 matter involving a child’s welfare and upbringing.

13 (A) “Legal responsibility” means the rights and responsibilities to
14 determine and control various matters affecting a child’s welfare and
15 upbringing, other than routine daily care and control of the child. These
16 matters include but are not limited to education, medical and dental care,
17 religion and travel arrangements. ~~Legal responsibility may be held solely or~~
18 ~~may be divided or shared.~~

19 (B) “Physical responsibility” means the rights and responsibilities to
20 provide routine daily care and control of the child ~~subject to the right of the~~

1 ~~other parent to have contact with the child pursuant to the parenting plan.~~

2 ~~Physical responsibility may be held solely or may be divided or shared.~~

3 ~~(2) “Parent child contact” means the right of a parent who does not have~~
4 ~~physical responsibility to have visitation with the child.~~

5 Sec. 3. 15 V.S.A. § 665 is amended to read:

6 § 665. RIGHTS AND RESPONSIBILITIES ORDER; PARENTING PLAN;

7 BEST INTERESTS OF THE CHILD

8 (a) In an action under this chapter, the court shall ~~make~~ issue an order
9 concerning parental rights and responsibilities and a parenting plan of for any
10 minor child of the parties. ~~The court may order parental rights and~~
11 ~~responsibilities to be divided or shared between the parents on such terms and~~
12 ~~conditions as serve the best interests of the child. When the parents cannot~~
13 ~~agree to divide or share parental rights and responsibilities, the court shall~~
14 ~~award parental rights and responsibilities primarily or solely to one parent~~
15 There shall be a rebuttable presumption that shared parental rights and
16 responsibilities are in the best interests of the child.

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

19 (1) the relationship of the child with each parent and the ability and
20 disposition of each parent to provide the child with love, affection, and
21 guidance;

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

4 (3) the ability and disposition of each parent to meet the child’s present
5 and future developmental needs;

6 (4) the quality of the child’s adjustment to the child’s ~~present housing,~~
7 school, and community and the potential effect of any change;

8 (5) the ability and disposition of each parent to support and foster a
9 positive relationship and frequent and continuing contact with the other parent,
10 including physical, written, telephonic, and electronic contact, except where
11 contact will result in harm to the child or to a parent;

12 (6) ~~the quality of the child’s relationship with the primary care provider,~~
13 ~~if appropriate given the child’s age and development;~~ [Repealed]

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

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

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

1 (c) The court shall not apply a preference for one parent over the other
2 because of the sex of the child, the sex of a parent, or the financial resources of
3 a parent.

4 ~~(d) The court may order a parent who is awarded responsibility for a certain~~
5 ~~matter involving a child's welfare to inform the other parent when a major~~
6 ~~change in that matter occurs. [Repealed]~~

7 (e) The jurisdiction granted by this section shall be limited by the Uniform
8 Child Custody Jurisdiction and Enforcement Act, if another state has
9 jurisdiction as provided in that act. For the purposes of interpreting that act and
10 any other provision of law which refers to a custodial parent, including 13
11 V.S.A. § 2451, the parent with physical responsibility shall be considered the
12 custodial parent.

13 * * *

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on October 1, 2019.