

1 H.715

2 Introduced by Representatives Michelsen of Hardwick, Fay of St. Johnsbury,

3 Partridge of Windham, Stevens of Waterbury, Toleno of

4 Brattleboro, Woodward of Johnson, and Young of Glover

5 Referred to Committee on

6 Date:

7 Subject: Domestic relations; abuse prevention; appointment of attorney for

8 child

9 Statement of purpose of bill as introduced: This bill proposes to 1) give the  
10 Court in an abuse prevention proceeding the discretion to appoint an attorney  
11 for a minor child in connection with the allocation of parental rights and  
12 responsibilities; and 2) require the Court to appoint an attorney for a minor  
13 child if the child is to be called as a witness.

14 An act relating to the appointment of an attorney for a child in abuse  
15 prevention proceedings

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

1 Sec. 1. 15 V.S.A. § 1111 is added to read:

2 § 1111. REPRESENTATION AND TESTIMONY OF CHILD

3 (a) The Court may appoint an attorney to represent the interest of a minor  
4 or dependent child with respect to the allocation of parental rights and  
5 responsibilities.

6 (b) The Court shall appoint an attorney for a minor child before the minor  
7 child is called as a witness in a proceeding under this chapter. The child may  
8 only be called as a witness if the Court finds after hearing that:

9 (1) the child's testimony is necessary to assist the Court in determining  
10 the issue before it;

11 (2) the probative value of the child's testimony outweighs the potential  
12 detriment to the child; and

13 (3) the evidence sought is not reasonably available by any other means.

14 (c) The examination of the child may be conducted by the Court in  
15 chambers in the presence of such other persons as the Court may specify and  
16 shall be recorded by a court reporter.

17 (d) The Court shall enter an order for costs, fees, and disbursements in  
18 favor of the child's attorney. The order shall be made against either or both  
19 parents, except that, if the responsible party is indigent, the costs, fees, and  
20 disbursements shall be borne as provided by rule of Court.

1       Sec. 2. EFFECTIVE DATE

2       This act shall take effect on July 1, 2014.