

VERMONT NOW HAS EQUAL RIGHTS FOR LGBTQ PARENTS—EXCEPT AFTER SEPARATION.

Vermont law recognizes that children thrive with loving parents—and that families take many forms. We must ensure that equality endures when a marriage or partnership ends.



THE EQUALITY PRINCIPLE

Family law should fit real families.

LGBTQ families helped Vermont reject the idea that one family structure is the only valid one.

- Parenthood is not defined by gender roles.
- The law still searches for one primary caregiver—a role traditionally assigned to mothers.
- That gendered template fails many same-sex families.

THE 1985 CUSTODY LAW

A Reagan-era law still governs.

IF EITHER PARENT REFUSES TO AGREE,
the court cannot order shared custody.
One parent will lose legal and physical rights and responsibilities for the child.

**THE FAMILY EVOLVED. THE 1985 CUSTODY LAW DID NOT.
15 YEARS BEFORE CIVIL UNIONS.**

MICHELLE A. TARNELLI SAW THE CONNECTION IN 2012

**“As a leading advocate for nontraditional families and gay rights,
Vermont’s primary care provider statute is archaic.”**

“Vermont must adopt a joint custody presumption in its domestic relations law. Vermont can break the mold and can show parents—straight, gay, married, unmarried, divorced, separated, or single—that co-parenting, co-nurturing, co-decision-making, and cooperating is in the best interest of their children.”

Michelle A. Tarnelli, “Joint Custody Presumption in Vermont: A Proposal for Co-Parenting,” 36 Vermont Law Review 1015, 1035 (2012).

LGBTQ EQUALITY IS PARENTAL EQUALITY.

Safe, loving parents should enter custody decisions on equal footing.

Vermont Kids Connected

vermontkidsconnected.org • Family equality includes custody equality.