

600C.1 Grandparent and great-grandparent visitation.

1. The grandparent or great-grandparent of a minor child may petition the court for grandchild or great-grandchild visitation.

2. The court shall consider a fit parent's objections to granting visitation under [this section](#). A rebuttable presumption arises that a fit parent's decision to deny visitation to a grandparent or great-grandparent is in the best interest of a minor child.

3. The court may grant visitation to the grandparent or great-grandparent if the court finds all of the following by clear and convincing evidence:

a. The grandparent or great-grandparent has established a substantial relationship with the child prior to the filing of the petition.

b. The parent who is being asked to temporarily relinquish care, custody, and control of the child to provide visitation is unfit to make the decision regarding visitation.

c. It is in the best interest of the child to grant such visitation.

4. For the purposes of [this section](#), "court" means the district court or the juvenile court if that court currently has jurisdiction over the child in a pending action. If an action is not pending, the district court has jurisdiction.

5. Notwithstanding any provision of [this chapter](#) to the contrary, venue for any action to establish, enforce, or modify visitation under [this section](#) shall be in the county where either parent resides if no final custody order determination relating to the grandchild or great-grandchild has been entered by any other court. If a final custody order has been entered by any other court, venue shall be located exclusively in the county where the most recent final custody order was entered. If any other custodial proceeding is pending when an action to establish, enforce, or modify visitation under [this section](#) is filed, venue shall be located exclusively in the county where the pending custodial proceeding was filed.

6. Notice of any proceeding to establish, enforce, or modify visitation under [this section](#) shall be personally served upon all parents of a child whose interests are affected by a proceeding brought pursuant to [this section](#) and all grandparents or great-grandparents who have previously obtained a final order or commenced a proceeding under [this section](#).

7. The court shall not enter any temporary order to establish, enforce, or modify visitation under [this section](#).

8. An action brought under [this section](#) is subject to [chapter 598B](#), and in an action brought to establish, enforce, or modify visitation under [this section](#), each party shall submit in its first pleading or in an attached affidavit all information required by [section 598B.209](#).

9. In any action brought to establish, enforce, or modify visitation under [this section](#), the court may award attorney fees to the prevailing party in an amount deemed reasonable by the court.

10. If a proceeding to establish or enforce visitation under [this section](#) is commenced when a dissolution of marriage proceeding is pending concerning the parents of the affected minor child, the record and evidence of the dissolution action shall remain impounded pursuant to [section 598.26](#). The impounded information shall not be released or otherwise made available to any person who is not the petitioner or respondent or an attorney of record in the dissolution of marriage proceeding. Access to the impounded information by the attorney of record for the grandparent or great-grandparent shall be limited to only that information relevant to the grandparent's or great-grandparent's request for visitation.

2007 Acts, ch 218, §206

Referred to in [§600.11](#)