

JAN 27 2003

HUMAN RESOURCES

HOUSE FILE 64
BY BODDICKER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to modification of a child custody order based on
2 exposure of the child to a cohabiting intimate partner.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 64

1 Section 1. Section 598.21, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 8B. a. If a parent awarded joint legal
4 custody and physical care or sole legal custody exposes the
5 minor child to a cohabiting intimate partner, the court may
6 consider the exposure a substantial change in circumstances
7 and a basis for modification of the custody order. If the
8 court determines that the exposure of the minor child to a
9 cohabiting intimate partner is a substantial change in
10 circumstances, the court shall modify the custody order to
11 award physical care or sole legal custody to the other parent.
12 However, if a history of domestic abuse exists as described in
13 section 598.41, subsection 3, paragraph "j", the court shall
14 review the history of domestic abuse to determine if the
15 modification would be detrimental to the safety of the child,
16 other children, or a parent or would result in direct physical
17 harm or significant emotional harm to the child, other
18 children, or a parent.

19 b. For the purposes of this subsection:
20 (1) "Cohabiting intimate partner" means a person who meets
21 all of the following criteria:
22 (a) Is residing with the parent and the minor child.
23 (b) Is not married to the parent.
24 (c) Is participating in an intimate relationship with the
25 parent.
26 (2) "Intimate relationship" means a significant romantic
27 involvement that need not include sexual involvement.

28 EXPLANATION

29 This bill provides for modification of a custody order
30 based upon the exposure of a minor child to a cohabiting
31 intimate partner. The bill provides that if a parent awarded
32 joint legal custody and physical care or sole legal custody
33 exposes the minor child to a cohabiting intimate partner, the
34 court may consider the exposure a substantial change in
35 circumstances. If the court determines that the exposure of

1 the minor child to a cohabiting intimate partner is a
2 substantial change in circumstances, the court is directed to
3 modify the custody order to award physical care or sole legal
4 custody to the other parent. However, if a history of
5 domestic abuse exists, the court is directed to review the
6 history of domestic abuse to determine if the modification
7 would be detrimental to the safety of the child, other
8 children, or a parent or would result in direct physical harm
9 or significant emotional harm to the child, other children, or
10 a parent. The bill defines "cohabiting intimate partner" as a
11 person who is residing with the parent and the minor child, is
12 not married to the parent, and is participating in an intimate
13 relationship with the parent. The bill defines "intimate
14 relationship" as a significant romantic involvement that need
15 not include sexual involvement.

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