Senate File 114 - Introduced

SENATE FILE 114
BY DICKEY

A BILL FOR

- 1 An Act relating to relocation of a minor child's residence
- 2 outside the minor child's established school district.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- Section 1. <u>NEW SECTION</u>. **598.21H** Relocation of minor child's 2 residence outside established school district modification of 3 order of child custody.
- 1. If the provisions of section 598.21D are not applicable, 5 and the intended relocation of a parent awarded joint legal 6 custody and physical care or sole legal custody results 7 specifically in relocating the residence of the minor child 8 to a location outside the minor child's school district as 9 established at the time custody was awarded, the relocating 10 parent shall provide sixty days' advance written notice of 11 the intended relocation to the court and to the nonrelocating 12 parent. The court shall consider the relocation a substantial
- 2. The court shall, upon motion of either party, schedule a hearing to review the notice of relocation to determine if the relocation is in the best interest of the child. The burden of proving that relocation of the residence of the minor child is in the best interest of the child is on the relocating parent. The court's primary consideration in determining if the relocation is in the best interest of the child shall be the effect of the relocation on the child's opportunity for maximum continuous physical and emotional contact with both parents

23 rather than any benefit to the relocating parent relating to

24 employment opportunities or personal relationships.

13 change in circumstances.

- 3. If the court determines the relocation is in the best interest of the child, the court may modify the custody order to, at a minimum, preserve, as nearly as possible, the existing relationship between the minor child and the nonrelocating parent. The order may include a provision assigning the responsibility for transportation of the minor child for visitation purposes to the relocating parent.
- 32 4. If the court determines the relocation is not in the 33 best interest of the child and the nonrelocating parent has 34 joint legal custody, but has not been awarded physical care, 35 the court may, upon request of the nonrelocating parent, do one

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1 of the following:

- 2 a. Modify the custody order to award physical care to
- 3 the nonrelocating parent and to provide visitation to the
- 4 relocating parent to, at a minimum, preserve, as nearly as
- 5 possible, the existing relationship between the minor child and
- 6 the relocating parent.
- 7 b. Modify the custody order to maintain the award of joint
- 8 legal custody and physical care with the relocating parent and,
- 9 at a minimum, preserve, as nearly as possible, the existing
- 10 relationship between the minor child and the nonrelocating
- ll parent. The order may include a provision assigning the
- 12 responsibility for transportation of the minor child for
- 13 visitation purposes to the relocating parent.
- 14 5. If the court determines the relocation is not in the best
- 15 interest of the child and the relocating parent has sole legal
- 16 custody, upon request of the nonrelocating parent, the court
- 17 may modify the custody order to provide increased visitation to
- 18 the nonrelocating parent in addition to that provided under the
- 19 existing custody order and may include a provision assigning
- 20 the responsibility for transportation of the minor child for
- 21 visitation purposes to the relocating parent.
- 22 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 25 This bill relates to the relocation of a minor child's
- 26 residence outside the minor child's established school district
- 27 for the purposes of child custody.
- 28 Under current law, Code section 598.21D provides that
- 29 the relocation of the residence of a minor child to a
- 30 location which is 150 miles or more from the minor child's
- 31 established residence may be considered by the court as a
- 32 possible substantial change in circumstances for purposes of
- 33 modification of a child custody order. Under the bill, if
- 34 those provisions of Code section 598.21D are not applicable,
- 35 and the intended relocation of a parent awarded joint legal

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1 custody and physical care or sole legal custody specifically 2 results in relocating the residence of the minor child to a 3 location which is outside the minor child's school district as 4 established at the time custody was awarded, the relocating 5 parent shall provide 60 days' advance written notice of the 6 intended relocation to the court and to the nonrelocating The court shall consider the relocation a substantial 8 change in circumstances. The court shall, upon motion of either party, schedule a 10 hearing to review the notice of relocation to determine if the 11 relocation is in the best interest of the child. 12 of proving that relocation of the residence of the minor child 13 is in the best interest of the child is on the relocating 14 parent. The court's primary consideration in determining if 15 the relocation is in the best interest of the child shall be 16 the effect of the relocation on the child's opportunity for 17 maximum continuous physical and emotional contact with both 18 parents rather than any benefit to the relocating parent from 19 employment opportunities or personal relationships. If the court determines the relocation is in the best 21 interest of the child, the court may modify the custody order 22 to, at a minimum, preserve, as nearly as possible, the existing 23 relationship between the minor child and the nonrelocating 24 parent. The order may include a provision assigning the 25 responsibility for transportation of the minor child for 26 visitation purposes to the relocating parent. If the court determines the relocation is not in the best 27 28 interest of the child, the bill provides that upon the request 29 of the nonrelocating parent, alternatives for modification 30 are available based on whether the nonrelocating parent has 31 joint legal custody but was not awarded physical care or the 32 relocating parent has sole custody of the minor child. If 33 the nonrelocating parent has joint legal custody but was 34 not awarded physical care, the court may modify the custody 35 order to award physical care to the nonrelocating parent

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1 and to provide visitation to the relocating parent to, at 2 a minimum, preserve, as nearly as possible, the existing 3 relationship between the minor child and the relocating parent; 4 alternatively, the court may maintain the award of joint legal 5 custody and physical care with the relocating parent and at 6 a minimum, preserve, as nearly as possible, the existing 7 relationship between the minor child and the nonrelocating 8 parent. If the court determines the relocation is not in the 9 best interest of the child and the relocating parent has sole 10 legal custody, upon request of the nonrelocating parent, the 11 court shall modify the custody order to provide increased 12 visitation to the nonrelocating parent in addition to that 13 provided under the existing custody order and may include a 14 provision assigning the responsibility for transportation of 15 the minor child for visitation purposes to the relocating 16 parent.